

COUNCIL MINUTES SEPTEMBER 18, 2006

The regular City Council meeting was held on Monday, September 18, 2006 at 7:00 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

Members Present: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas

Others Present: Mayor Cervenik, Law Director Frey, Finance Director Johnson, CS&ED Director Pietravoia, Service Director Gulich, Parks & Recreation Director Will, Police Chief Maine, Fire Chief Cosgriff, Zoning Commissioner Beno, Asst. Law Director Jackson, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

Invocation was given by Fr. Dennis McNeill of St. Robert's Church

COMMUNICATIONS

Council has received the following communications:

Monthly Finance Report of the General Fund through August 31, 2006 from Finance Director Johnson.

A memo from Ms. Evangelista detailing the renewal of the Municipal Insurance Program.

A summary of contract changes from Law Director Frey.

Notice of a Hearing for the liquor application at 21910-21920 Lake Shore Blvd.

COUNCIL MINUTES

Councilwoman Holzheimer Gail moved to receive and approve the Council Minutes of September 5, 2006. Councilwoman Mancuso seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik and Chief Maine presented Res. 149-2006 to Police Officer Patrick A. Lynch in recognition of his distinguished 31 year career.

Mayor Cervenik and Chief Maine presented Res. 150-2006 to Police Officer Thomas M. Yanacek in recognition of his distinguished career.

Mayor Cervenik – As good police officers retire, it is time to replace them with hopefully new police officers that with the proper training that these gentlemen have received, will someday be up here to retire with the same magnitude of service that you've seen here tonight.

The date of the written examination for the new police department test will be Saturday, October 21st. Applications are available beginning today at City Hall. They will be here through Friday, September 29th from 9:00 AM until 4:30 PM. They can be picked up at the reception desk. The filing applications will be accepted at the Euclid Municipal Center's main lobby, 585 E. 222 Street, on Saturday, October 7th, from 9:00 AM until 3:00 PM. A fee of \$20, money order only, will be due at the time of filing that application.

I strongly encourage those that are watching and anyone that knows of people that would qualify as good police officers, dedicated to making our community safe to please let them know that we are looking for qualified candidates.

Thursday, September 28th, we received a call from Jacob's Field, they would like to have a Euclid Night at Jacob's Field. 7:05 is the game, Indians vs Tampa Bay Devil Rays. All mezzanine tickets will be \$8; Regularly \$16. It is also \$1 Hot Dog Night. An optional all you can eat picnic for \$15.95 for adults; \$5.95 for kids. For tickets, contact Maggie Escorbar at Jacob's Field at 216-420-4519. Or email mescorbar@indians.com for details and tickets.

It was quite a fun week this past week with a lot of community gatherings that went on. Sunday we had a Pancake Breakfast at Gateway Retirement Community on E. 200 Street; that benefited the Euclid Hunger Center. Those of you that have gone in and out of the city this weekend probably noticed the new plantings and sprucing up of all the entranceway signs. That was done by Key Bank volunteers, our Key Bank Branch on Lake Shore Blvd., Bettye Heins is the Manager. Her and her employees took 4 hours to plant various types of roses and day lilies and mulch and spent 4 hours really beautifying our community.

Saturday morning we had a 5K Break-Out Fitness Race at Euclid Hospital. Break-Out Fitness is an organization that not only provides physical fitness for seniors, but also members of the community and surrounding area that have different types of physical challenges. They

firmly believe that a physically fit person has a much better quality of life. From what I saw in the racers and those that did have handicaps that completed either the 5K or the 1 mile walk, they are a real inspiration and makes us realize how lucky we really are.

St. William's conducted a Flag Raising and National Anthem contest Thursday. It was the 75th Anniversary of the writing of the National Anthem by Francis Scott Key. The children sang the song and the band played. It is a very different song for a band to play especially in the high school era and it was amazing how well they did. It was very nice to be there.

I also need to thank when we're talking about beautification Margaret Sudak and her fellow gardeners at our Senior Community Center. Margaret and her crew are responsible for plantings at the front entrance of the center. The beautiful flowers and perennials at the flag pole as well as the patio off to the side of the building. I commend them for their hardwork and we would have paid thousands upon thousands of dollars to do the great work that they did there.

This Sunday, September 23rd, the Euclid Senior Programs will be having a Flea Market at our Community Center. They will have antiques, crafts, treasurers, trinkets, knick knacks and more you'll find something for everyone. That is from 9:00 AM until 4:00. I believe there is going to be some Slovenian Sausage and other good things that we all like to eat down there.

I also need to thank the Boy Scouts under the guidance of Karen Tomsic. The Boy Scouts are responsible for planting the 3,000 flags in front of our Veterans Monument in front of the Library in honor of those who lost their lives and were injured and were heroes on September 11th. We appreciate the Boy Scouts doing that. I believe they have done that every year since September 11th. It is really a sight to be seen, so I wanted to thank Karen and her Troops for doing that.

Last but not least, we have a Euclid Football Tackle Program, 10-11 age group, they play on Sunday. It is amazing to watch those kids out there. If you watch the Browns Game on Sunday, next week let's watch our 10 & 11 year olds because it is a pretty good brand of football as well. They are having a fundraiser, they are selling cookie dough. If you call the Rec Department at 289-8114, they are selling cookie dough to help the tackle football players, all the participants, be able to attend a special program at the Hall of Fame in Canton, as well as for all the cheerleaders of the team to be able to participate in a cheerleader competition at the end of the season. The prices are reasonable between \$12-\$14 for the cookie dough depending on the type of cookie dough you want. You just pick it up, put it on the tray and cook some cookies anytime you want. Great for wintertime snacks. The football players in the program would greatly benefit by that.

Director Will – To add onto the Tackle Football, it is definitely football season here. We do have three tackle football teams. This Sunday, the game will be at Central School at 12:30. It is our 8-9 year olds that will be playing at 12:30. The next two weeks, we'll again have games on Sunday at 12:30 at Central. We also have a flag football team where teams compete at Central and Forest Park, this Saturday morning at both 9:00 AM and 10:00 AM.

I also would like to remind everybody that the High School pool is now open. We do have a water exercise class that is under the instruction of Michelle Nero. You can pay each time you go. It is \$5 a class on Monday and Wednesday nights from 6:00-7:00.

I'd also like to take this opportunity to thank the residents and especially our Euclid Petpals for their assistance during our doggy swim which was held on September 6th. This week we will be presenting a check to the Euclid Petpals for \$70 for the proceeds that we received off of that. Thank you again. We look forward to doing it next year.

Director Pietravoia – Just one quick but important announcement. As part of our housing strategy that the administration has been working on with City Council, we had authorization from Council this past June to enter into an agreement with an organization called Neighborhood Housing Services. They are going to provide their first seminar that was part of that agreement that we discussed with Council. It will be designed to assist those people that are trying to prevent going into foreclosure. The date of the seminar is October 3rd. Details to follow. I wanted to at least get the announcement out. The time will be provided in a flyer and it will be on the city's channel 23 as well as on the city's website. October 3rd at the Euclid Public Library. It is one of our housing seminars designed to help those residents that might be facing potential foreclosure problems.

I just wanted to piggy-back on the Mayor's announcement about the Flea Market at the Lakefront Community Center this Saturday, to confirm not only that there will be a wide variety, but they have rented to 40 vendors for that day. Yes they will have Slovenian Sausage with sauerkraut, sloppy joes, strudel, pumpkin rolls, just to wet your appetite a little bit for that even. This is an important fundraiser for the senior programs.

A quick thank you related to that event to the St. Joseph's High School Basketball Team; as well as the Euclid High School Key Club, they are going to be assisting that day with set up and break down at the end of the event. Thanks to those groups.

Mayor Cervenik – That's the Villa-Angela St. Joseph Basketball Team. He's just moved into Euclid, he's from Richmond Heights, so it is okay.

Director Gulich – I would like to first recognize a letter I received last week from residents on Georgetown Road. Their representatives wrote me a letter detailing their concerns up there, the condition of the pavement. Of course the letter was accompanied by many, many signatures. Today I got a response in writing out to the representatives, they should be received that tomorrow. I have no trouble seeing what the problems with the road are. I had explained to them earlier this summer the situation that we did not have funding set aside for 2006 to do that work. This fall we'll be discussing early on a long-range capital improvement program. This Council has been very supportive of resurfacing in 2006, hope we can come back with a strong resurfacing program in 2007. My main concern and I addressed it in that letter is because most of that street is in Richmond Heights, getting Richmond Heights to cooperate on their portion of the road. That is something we have to work on in the up and coming months.

Second and lastly, as I mentioned earlier this month, September is Recycle Your Computer Month. If you've been putting that off, you still have a little time yet. We have a special drop off location on Lakeland Blvd., over by our Municipal Service Garage by E. 260th Street. Get your stuff up there. You don't have to do anything special to it. Obviously you know what you need to do to it before you drop it off hopefully. We'll take it from there. The computers will be recycled and will not end up in a land fill. Please take advantage of that if you can. Thank you very much.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Animal Shelter Report of August, 2006; Board of Control Minutes of 08/28/06 & 09/05/06. Councilman Gruber seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

President Gudenas – So that everyone has a little planning ahead of time here, Item #3, which is important regarding the wards of the City of Euclid, will not be voted on tonight but will be placed into Executive Committee for next Monday, which would be the 25th; tentative time is at 7:30. This meeting will be held live also on cable TV. So, if you're not able to be here, it will be live. Also, we're working out all the final details for the first-time in our history, possibly in northeast Ohio, you'll also be able to communicate with us live via the internet, via e-mails. So if you can't be here to ask your questions, you can e-mail your questions which will arrive while the meeting is going on. As long as we can read it in public, we'll so do so and we'll set up all the rules as we get into this and it will be part of the record as if you were here. I'll announce all that when we get to number 3.

Number 10, the parking on some of the streets north of Euclid Ave., we're going to consider that a first reading to give that more time for any neighbors in that area to comment on it. That will not be voted on today, but very well might be voted on October 2nd.

Councilwoman Walsh moved to go into the Committee of the Whole for Legislative Matters Only. Councilwoman Mancuso seconded. Yeas: Unanimous.

President Gudenas – I should add, we are substituting #1, item with (170b-06), which has a minor correction as a result of a meeting with one of the newspapers here.

Mr. Mike McPhillips – 20531 Crystal Ave. I was going to speak on #4, which is changing the tax law in the City of Euclid back to the way it was before Council made a change in September or October of 2004. What that change did was to allow businesses and individuals who have businesses, who have losses, to carry those losses over for a 5 year period. That's an important thing for small businesses, for start up businesses and for a number of manufacturers and other job shops located in Euclid. Because it is a cyclical business, sometimes they make money, sometimes they don't. This allows them to even out the amounts and to pay the tax that is owed to the City of Euclid over the extended period of time. But if you didn't allow the loss carry-overs, the people who incur the expenses in the earlier years, don't get the benefit of those expenses in the later years. This is correcting it back to the way the City of Euclid used to do it.

The only other city that I'm aware of in the State of Ohio is one little city in southern Ohio that does not allow loss carry-overs and its for a 5 year period. I don't have any idea what it would cost, but I don't think it is significant, but it would encourage business to stay in Euclid and encourage people to start businesses in Euclid because they could then not have the penalty of not being able to carry those losses forward.

President Gudenas – I should add the Council Office has asked me to ask those speaking if it's your first time to spell your last name so that we get it correct. Dennis would not be one of those first timers.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Items 1, 3 & 14. Ms. Walsh, thank you. I hope you get everything you ask for and more. This is something that has long been needed in our city. If you've taken a look at the proliferation of newsstand boxes and everything else, it is getting very unsightly in our city. It is about time we did something about it and I hope this has some big teeth in it and you use them.

#3, I know what brought this up, but they should be looking at one of the gubernatorial candidates where he tried to disenfranchise the poorer voters in the State of Ohio. Instead of picking on Euclid, I think they should go after somebody like that.

#14, thank you. Thank you for your hardwork. You've proven yourself time and time again. Thank you for trying to save us money. We really appreciate it. Thank you.

President Gudenas – I believe he was thanking Councilwoman Mancuso with that.

Mr. Tom Heffernan – 520 Birch. I would like to speak on #4, which I'm probably going to repeat what Mr. McPhillips said. I'm going to read mine, he's a much better speaker. I think the current law is grossly unfair to Euclid's small business community. It goes against the current IRS and State of Ohio regulations on net operating losses and more importantly it puts Euclid at a disadvantage because all the surrounding communities give the small businesses breaks in-line with the IRS and the State of Ohio codes. We are trying to create new business investment in Euclid and not discourage it. Please vote for #4. Thank you.

Mr. Jack Hagenbaugh – 20200 Hillcrest Dr. My comments concern #3 on the agenda, the ordinance authorizing the Council of the City of Euclid to re-draw the boundaries of the city's four existing wards. First of all this debate shouldn't start with the assumption that configuration of Council remain the four permanent wards, the four council at-large slots and council president. This is the configuration the Justice Department has expressed concern over. Simply tweaking existing ward boundaries to give the appearance of change should not be the objective.

Additionally the Council should be last of all possible entity that should decide the boundaries of these council wards. Since changes to the make up of council specifically changes to the number of ward and at-large seats could easily impact the future political aspirations of current council members and future candidates of council. Council deciding this matter would present at least the appearance of a conflict of interest.

Purpose of a review and possible changes to the make-up of Council should be undertaken with a singular goal of obtaining the most representative council make up possible for citizens of Euclid. Any recommended changes to the make up of Council should ultimately be decided by the voters. Thank you.

Mr. George Gardner – 579 E. 260 St., here in the City of Euclid. My comments are geared toward #3 as well. It looks like with the map and so forth that some effort has been made to redistrict and I guess make more fair or equitable the voting rights of all individuals here in the City of Euclid. I guess my point would be, with the city's council, council of the City of Euclid to read through all the boundaries, it is my understanding, I'm not the most educated guy, but it is my understanding in the initial Justice Department, the allegations brought forward the City of Euclid has well as the Cuyahoga County Board of Elections, as well as the Council members were named defendants. In an effort to make the system more fair, there maybe an outside source that could be consulted in an effort to redistrict or to ensure or provide that all citizens have a fair and equitable right.

I like the City of Euclid. When you are listening to NPR radio or you hear the City of Euclid mentioned out of all the cities and municipalities throughout the entire United States, in the way voting practices takes place, you kind of feel bad when you hear that. I'm sure something can be done in a timely manner.

From a common, layman standpoint, when you go through the sequence of events from the original allegations to the motion to dismiss, both by the City of Euclid as well as Cuyahoga

Board of Elections. To dismiss would almost lead one to believe that, maybe we feel its not a real problem or a real concern. United States government took a look at that and are moving forward. So I sure hope that we can all put our heads together in a way to just simply ensure, regardless of how tall you are, how short you are, what your nationality maybe, but everyone truly has a right to vote and that vote counts. Thank you.

Mrs. Madeline Scarniench – 1511 E. 221. I was going to wait until the end of the meeting, seeing that this is going to committee, but I might as well say it now because of the last two speakers. I hope that no one in the audience believes that this is to solve the problems that the Justice Department is talking about. All this is going to do is solve the population problem, which evens out the four wards. I think if anybody thinks that this is anything else, then they are sadly mistaken because that's all this is. This is not to correct anything, in my opinion, that they have said that we have done or haven't done. This is just to change so that each ward is equal in number which is the way it is supposed to be and Council is allowed to do this, in fact they are supposed to do it within six months of the census, every time the census happens, it just happens that we've had a dramatic change. Please don't think that this is going to change anything because it doesn't.

As far as the legislation is concerned, I would like to know whose been commissioned; it says national and regional experts. Who are these experts? Where did the money come from to pay them? How much did it cost? I'll save my other comments until later.

President Gudenas – We had an Executive Session meeting back in June where this was discussed. The law firm hired them and I'm trying to find their name here, but I believe its Notice, they are part of Cleveland State University. They also use another firm out of Washington or the like, to get the most current, up-to-date census figures for the City of Euclid. I thought the total was for that part of the census update around \$6,000, not counting all the legal fees and all that. The lawyers are expensive, but the update wasn't so bad, rough figures. Anyone else? I see no one else.

Councilman Conway moved to rise and report. Councilman Delaney seconded. Yeas: Unanimous.

LEGISLATION **Ord. 151-2006 (170b-06) Newsracks**

An ordinance to amend the Business Regulation and Taxation Code, Part Seven of the Codified Ordinances of the City of Euclid and regulating sales and placement of newsracks on public property within the City. (Sponsored by Councilwoman Walsh)

Councilwoman Walsh moved for passage, Councilman Lisy seconded.

Councilwoman Walsh – I had the pleasure to meet with the representatives from the Plain Dealer and the representative from the City Law Department. We had a very good meeting. I'm satisfied with the legislation. There was a compromise and I'm ready to vote on this and I hope that my fellow council people vote yes that we make the changes.

President Gudenas – Basically the main impact would be the color of the boxes and other regulations along those lines?

Councilwoman Walsh – The boxes would be white. The lettering would be on the back and the boxes would be anchored. There would be no fee for the boxes because we decided that was not needed.

President Gudenas – We are basically regulating as far as we're allowed by the Constitution, State of Ohio, etc., as far as we understand.

Councilwoman Holzheimer Gail – My biggest question is, we have very similar legislation other than the color of the box that we have not been able to enforce. I'm curious to hear how this one will be enforced differently, or how will we enforce it if we pass it?

Councilwoman Walsh – To bring it to the front, yes we do have the legislation and yes we should have been registering the boxes but apparently something fell through the cracks and there is no registration form what I've been assured by the Law Department that will take place and each box will be registered. We're correcting something that hasn't been done for years.

For all we know, half of those boxes that are the hodge-podge of colors are just setting there and no one from the city even knows that they are even there or where they are or who they belong to or who is responsible because the form is non-existent. But, thanks to the, I don't want to say youth, but the effervescence of the Law Department person, I think we've corrected this. We've amended a mistake and we're going to answer what the people want and have some neatness at the different spots. Certainly the people from the Plain Dealer helped me better with this ordinance and explained a lot of things.

President Gudenas- So we understand, the administration's side of it, will that be building and housing enforcing the filing of the paperwork and making sure they are all registered?

Asst. Law Director Jackson – Actually that will be part of the Service Department. The form does exist and the plan is once this is passed, send out 30 day letters to the publications and say that you have 30 days to get in line or we will be picking up your boxes and storing them and asking you to come get them.

Councilwoman Holzheimer Gail – Who will be monitoring the location of where they go? Obviously they will register them and we'll make sure, my specific concern and we've talked about this before is the specific spot of Lake Shore and 222, that has probably 11 boxes. We've already limited it in the previous legislation, probably shouldn't be that close to the bus station. I just want to make sure that as new boxes are being registered and put out, that we are watching where they go and making sure that's a legal spot according to our legislation.

Asst. Law Director Jackson – The plan is that, first come, first serve; once there's five in one location you cannot register a sixth one there. They will have to be 25 ft. away from that location.

Councilman Lisy – To the administration, I would just like to make a recommendation that we have some type of tag on the box so that we know and can inventory the boxes along the way to know which ones are registered and which ones aren't. That will also help when complaints come in because we can notice that these boxes aren't registered with the city if there is some type of identification on the container.

Asst. Law Director Jackson – We chose not to go with that route because of the administrative problems it would pose. The newspaper publications themselves have a desire to be in compliance and let's say it gets damaged and there is a sticker on it and they replace it with a brand new one. It makes it an administrative nightmare in terms of re-issuing the permit, getting more money. We really intend to, from the beginning, make sure that everybody's in-line and if they're not, they will be removed.

Councilman Lisy moved to close debate, Councilwoman Walsh seconded. Yeas: Unanimous.

Councilman Gruber moved to suspend the rules, Councilman Delaney seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Ord. 152-2006 (195-06) Insurance

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into contracts with Axis and Hartford Insurance Companies, written through the firm of Love Insurance Agency, 34920 Ridge Road, Willoughby, Ohio 44054, insuring City-owned property, contents, boiler and machinery, inland marine, and against crime for the period October 1, 2006 through September 30, 2007. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Lisy seconded.

Director Johnson – This is a routine piece of legislation. What we're asking for here is a renewal of an existing policy which covers all of our buildings and property in the open, some of our more expensive vehicles. Inland marine which is really equipment like lawn mowers and that kind of thing, the only other comment that I would make is that our premium is proposed at

\$75,000 for a total coverage of \$88,983,000 worth of stuff. If there are any questions, I'll be glad to answer them.

President Gudenas – If I read it right, we also are covered for flood insurance on this policy?

Director Johnson – We have surface water coverage. I don't believe we have full flood insurance. I'm told that Mr. Hickey and Mr. O'Brien from Love Insurance are in the audience. Mr. O'Brien is from Compensation Analysis. They formed the RFP and would probably be able to answer those specific questions.

President Gudenas – Director Johnson, would you know if we ever collected any money on the surface water part of the policy?

Director Johnson – I'm not aware of any claims. I know that we have not had any claims at all in the last year or so with the exception of the flooding that we had here just recently. We did receive a quote for flood and earthquake insurance and I have a range of prices for deductibles and it is rather pricey, but Mr. Hickey and Mr. O'Brien may be able to comment further.

Councilman Lisy moved to suspend the rules, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

President Gudenas – The question is, surface water coverage. What does it cost us and what does it protect us with?

Mr. Hickey – There's an extension of coverage in there for surface water. It is not a huge limit, it is around \$15,000-\$20,000. It kind of fills in the gap a little bit. If you are concerned about flood insurance, then you would buy a full flood insurance form and you can buy that in multiples of a million, one million, five million, ten million. You're going to have a deductible on that coverage probably a minimum of \$25,000.

President Gudenas – This coverage is part of the standard policy, nothing extra? Not the flood insurance the surface water.

Mr. Hickey – The surface water sub-limit yes is part of the standard coverage. If you want the full flood insurance then yes, you would have to spend more money.

President Gudenas – How many bids did we get for this and how did their price come in line?

Mr. O'Brien – There were no other bids. This was a renewal through the Love Insurance Agency.

President Gudenas – Is there a reason we didn't bid this out?

Mr. O'Brien – Last year we had taken the program out for a Request for Proposal. This year Roseanne Evangelista and I met with Mr. Hickey from Love Insurance to try to determine whether a full blown request for proposal was reasonable for the city this year. Based upon what Mr. Hickey told us, the fact that the rate renewal was actually lower this year than it was last year, although our values are up and as a result of the values being up, the premium is up, but the rate renewal was actually lower. We determined that it probably not in the city's best interest to go back out into the marketplace.

President Gudenas – How would that have hurt us by going for bids?

Mr. O'Brien – If you continue to go out into the insurance marketplace for bids, you get the underwriters who see your program year after year after year. Access last year gave us a very aggressive price, I think it was actually 17% lower than the previous year. If you keep putting your program out into the marketplace, what you are going to find is that underwriters are less willing to go out and try to re-underwrite your program every year.

President Gudenas – When was the last time we went out for bid?

Mr. O'Brien – Last year.

President Gudenas – And the time before that?

Mr. O'Brien – I believe it was three years before that.

President Gudenas – This is for a one-year policy?

Mr. O'Brien – Correct.

Councilman Lisy moved to close debate, Councilman Langman seconded. Yeas: Unanimous.

Councilwoman Mancuso moved to suspend the rules, Councilwoman Walsh seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Ord. (191-06) Proposed Ward Boundaries

An ordinance authorizing the Council of the City of Euclid to re-draw the boundaries of the City's four councilmanic wards, and to present an approved re-districting plan to the Cuyahoga County Board of Elections. (Sponsored by Council President Gudenas)

Councilman Delaney moved for passage, Councilman Langman seconded.

President Gudenas – As we started to talk about this earlier, this came up obviously because we're ahead of schedule, normally it is every ten years. We have sixty days after the census figures are announced by the Secretary of State. We're doing this a little bit quicker, obviously, because of the Department of Justice requirements. This plan had been worked out with the legal representatives who hired, the name of the firm is Northern Ohio Data and Information Service at Cleveland State University. They worked with another company called Geolytics. They say one of the nation's leading providers of demographic data and public domain mapping.

This was done with that in mind. It is a plan, I put my name on it because I'm the run who runs at large here; the ward councilmen were not put on the legislation so that everyone could look at it. We are trying to work with the Federal Government to move this process along quicker than later to save the city time and money. We've been sworn to uphold the Charter for the current system that we have.

We will schedule a meeting, Monday, September 25th at 7:30 here in the Council Chamber. Again the meeting will be Live and we have set up a special e-mail address, up until October 2nd, possibly longer if needed. The e-mail address for anyone to comment is: comments@ci.euclid.oh.us. Because this would be just like sending a letter to the editor or making a comment at the council meeting, you would need your name, address and phone number if we had to verify that this e-mail did come from you.

So, any questions first regarding this? I was also going to ask our legal representatives to be here prior to the meeting at 6:00. We haven't had a meeting for a couple of months with them. In Executive Session at 6:00 to go over this legislation, the current filings, all that has been going on in the legal front. Again, they've done a very good job, I think, and that would be 6:00-7:00, 7:15 or so. That's why the meeting would start at 7:30. They would be available for a limited time at the beginning of the meeting to answer any questions from the public also.

Councilman Gruber – Thank you Mr. Chairman and I would like to thank you for providing the first look at this to me this evening. You did not contact the Ward 4 Councilman. Maybe you contacted some of your other colleagues. I'm shocked. I've been on Council in 2000; we did it according to our Charter, sixty days after the last census. We have a few more years until the next census and I'm sure somehow politically this is to your advantage or to make you look a little better. But, as the Ward 4 Councilman, I would have liked at least a little insight into this. So, I understand that this is your show and you like it and you're smiling about it, but as the Ward 4 Councilman, and I don't know how this would affect me at all, it just would have been a nice common courtesy to have gotten a little heads up to this. Or, a phone call since you've been Council President, at any time to the Ward 4 Councilman about anything. So, thank you.

President Gudenas – You're welcome. These were ...

Mayor Cervenik – Mr. Chairman

President Gudenas – Let me answer the request from the Ward 4 Councilman. All these were picked up by myself this afternoon from Cleveland State and I was extra careful because as we know we had our very sensitive legal papers all given to one of the local newspapers immediately upon given them. It was one of our council members and Councilman Gruber probably knows who that is and we were told that

Councilman Gruber – Mr. Chairman, Mr. Chairman ...

President Gudenas – Councilman Gruber, you are out of order right now. The attorneys had told me that that leak had cost us dearly in our negotiations with the Department of Justice and in fact sped up the filing. And that it was agreed at the Council session that we would keep things confidential from then on as best we could and in fact we probably did a pretty good job of it so that we could keep this out of the papers, move things along, so that we can work with the Department of Justice in a professional way instead of through the papers so that we could bring this to a speedier than longer and more expensive conclusion. Mayor Cervenik.

Councilman Gruber – How much have you spent so far Mr. Chairman?

Mayor Cervenik – Mr. Chairman, due to the nature ..

Councilman Gruber – Mr. Mayor, excuse me, the first time I read about this ...

President Gudenas – Councilman Gruber you are out of order right now.

Councilman Gruber – was Saturday in the paper. So the paper had it before I did and your comments were in it. So I think we should be looking in the mirror for the leak.

President Gudenas – Councilman Gruber you are out of order. Mayor Cervenik.

Mayor Cervenik – In respect to all members of City Council, due to the serious nature of the impending or ongoing legal action that we have before us with the Department of Justice, I would ask that someone make a motion to move this into Committee and it be seconded and moved into Committee now. These discussions should take place in an Executive Session only. Thank you. For the protection of our taxpayers.

President Gudenas – Good advice. Is there a motion?

Councilwoman Mancuso moved Ord. (191-06) into the Executive and Finance Committee.
Councilwoman Holzheimer Gail seconded.

Roll Call: Yeas: Conway, Delaney, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh,
Gudenas.

Nay: Gruber

Into Executive & Finance Committee.

President Gudenas – Again that meeting will be Monday, September 25 at 7:30, Executive Session at 6:00.

Ord. 153-2006 (187-06) Amend Tax Code

An ordinance amending the Business Regulation and Taxation Code, Part Seven of the Codified Ordinances of the City of Euclid to provide for the reinstatement of operating loss carry-forward provision in the Municipal Income Tax Code, retroactive to January 1, 2004. (Sponsored by Mayor Cervenik and Council persons Gudenas and Mancuso)

Councilman Lisy moved for passage, Councilwoman Mancuso seconded.

President Gudenas – This was brought to our attention by a Euclid business that felt our local income tax wasn't as fair as the federal and state income tax and was not in line with local governments. It is pretty straight forward, the two speakers addressed it. Are there any other questions?

Councilwoman Mancuso – I would just concur with the two speakers who are professionals I the city who actually helped bring this to our attention. I always respect and absolutely appreciate professionals who can bring us their expertise and kind of walk us through the details that we may not be aware of. We're actually just giving our small businesses another tool to actually come into the City and let us do something favorable for you as you set up your businesses. I would hope that all my colleagues would support this legislation. Thank you.

Mayor Cervenik – As well, being a CPA, the word that's used is net-operating loss. More often than not this operating loss, the city income tax is based upon federal income. The federal government to spur investment has some very accelerated depreciation methods whereby you can write up \$100,000 a year off of equipment. The federal government allows you to carry that loss forward 15 years. If the cities do not allow that loss being carried forward, that business losses a great amount of legitimate, bona fide business expenses. Our tax laws do not allow for that depreciation to be carried out over 5-7 years as the State franchise law does. This not allowing a net operating loss is really very detrimental, not only to small business but to all businesses. It is a very positive thing if we could change this tonight and make it retro-active. Those few companies that did not file a net operating loss can do that. Keep in mind this will cost us some revenue currently, but I firmly believe that as we go down the road to further the growth of our companies in Euclid, that we'll actually generate more income than we'll lose by the loss of the NOL 5-year carry forward.

Councilwoman Mancuso moved to close debate, Councilman Langman seconded. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules, Councilman Gruber seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.
Passed.

Res. 154-2006 (192-06) Motor Maintenance Union Contract

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for Mechanics and Mechanic Helpers in the Department of Motor Maintenance. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Lisy seconded.

President Gudenas - #5 & #6 are very similar so we can address both of them at the same time.

Director Frey – These two represent two of the last three collective bargaining agreements for the 2006-2008 period that need to be resolved. What is remaining is a contract with the correction officers. We have an issue on the scheduling of vacation that I hope we will get resolved very shortly and bring that to Council for approval.

This contract per the Motor Maintenance Mechanics, includes both the 3% wage increase and an equity adjustment. The mechanics are below scale with many of the surrounding communities, as well as below the rates paid for similar job requirements in other city departments. So there was an effort made to make an adjustment to that. You'll see the net cost increase for the various years of the contract.

However to recoup some of that cost increase, we are dropping the tool allowance. That is a significant expense for the mechanics. They are required to purchase their own tools. We're dropping that tool allowance in exchange for some of this wage increase in the 2nd and 3rd year of the contract. In addition to the health care coverage that we have made standard in all of the bargaining units, as well as the non-union employees, and the Section 125 plan that will be effective for all employees of the City, union and non-union.

We've been able to bargain for a change in the sick time pay out at retirement. Employees in this bargaining unit and the same for the Shore Custodial unit, that are hired after January 1, 2006 will be subject to the cap on sick time pay out at retirement as is set by the State code, that's 240 hours. That's the minimum and that will affect those employees hired after January 1, 2006. For current employees, there is a graduated scale that is consistent that is what is in place in the Consolidated Compensation Ordinance for non-union employees that caps the

sick time pay out at retirement. It's a significant step in getting our benefit level in sync. I would ask for your support on this contract and be glad to answer questions.

President Gudenas – Thank you for your summary that you sent to City Council. This sick time benefit at retirement, how does that compare to the other contracts we approved earlier this year?

Director Frey – The other contracts have a cap at full hourly rate at 1200 hours, plus \$20 a day for anything above 1200 hours. So there's a significant decrease in sick time pay out.

Councilman Lisy – I see in your summary there was a K missing after the summary numbers.

Director Frey – In the summary of which?

Councilman Lisy – In the Machinists Settlement Summary for Council that you presented.

Director Frey – I'm sorry, on the second page I had indicated everything was in thousands. I apologize.

Councilman Lisy – The only other comment I have is that it is very timely. We saw in the Plain Dealer today that this is the type of benefits that we had in the past are overdue, they are not going to be issued anymore. It is nice to see that the City of Euclid is getting in line with everybody else. I looked at these numbers and it is very fair and I also appreciate that the union accepted these terms.

Director Frey – I would echo that. My experience and this is the first time obviously that I have gone through a complete set of negotiations and by and large it has been a pleasure to go through the negotiations. I think there has been an honest and frank dialogue, both on what the city needed and what the union members were looking for and a recognition that benefit costs were a significant part of the expense and that we had to get those in line. The increase in the prescription drug co-pays, the increase in the monthly health care contributions and in these two bargaining units, the decrease in the sick time pay out are all representative of that. I know the article today talked about pensions and while we don't impact the pensions because those are State pensions, either police and fire pension or public employee retirement system, this is an area where we can have some impact and it is a partnership between the employees and the city to achieve this. Thank you.

Councilman Lisy moved to close debate, Councilman Conway seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Res. 155-2006 (193-06) Shore Custodians Union

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for Shore Cultural Centre Custodians. (Sponsored by Mayor Cervenik)

Councilman Delaney moved for passage, Councilman Conway seconded.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Res. 156-2006 (196-06) Sunrise Apts.

A resolution authorizing the Director of Law to enter into a memorandum of settlement with Huse Covic from an appeal taken to Common Pleas Court in case CV 06 589532 from a determination of the Planning and Zoning Commission. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

President Gudenas – Councilman Langman, you've put a lot of time into this. Explain what we're doing here.

Councilman Langman – Sunrise Apartments, many of you may know that a couple of years ago it was struck by the tragic fire. The owner, Mr. Covic decided to rebuild. The fundamental problem at the apartment wasn't addressed in the rebuilding process. That is, there are 18 units in that apartment building and there are only 14 viable parking spaces available. Obviously in today's society where most people have cars and so forth, having a shortage of parking impacts his business in a negative.

Mr. Covic, after he rebuilt from the fire, I encouraged him to go before Planning & Zoning again. That was his third time and unfortunately the variance was turned down 3 to 2. We sat down after that and generated the items that we are considering tonight as far as a compromise. That being we would grant the variance to allow three additional parking spots in the front of the building, in return for proper screening, in return for notifying the tenants of the new parking regulations, of the prohibition of exiting onto Lake Shore Blvd. And also, something that is a little bit of long range planning that if Mr. Covic decides that he wants to sell the apartment building, that the City would have the opportunity to purchase the property.

I feel that this is a very good compromise. I want to thank the Law Department for helping to work out some of the details. I think it satisfies Mr. Covic's need to conduct his business. I hope my colleagues will support it. Mr. & Mrs. Covic and their attorney is here this evening so if my colleagues have questions for them, they can come down and answer them.

President Gudenas – Thank you very much for your good work.

Councilman Gruber – I would like to thank Councilman Langman. As many of you know my mother was a resident in the Sunrise Apartments for many years before the fire. She no longer lives there. But I know the dedication that Mr. Covic has to the building and the effort that he has put into this agreement and I would like to thank the Councilman too. For the general neighborhood, there has always been a severe parking shortage there that this is a good resolution and you should be very proud that you took the time and I appreciate Mr. Covic's efforts to rebuild in the city. Thank you.

Councilman Langman – Just one question for the Law Director, Mr. Chairman. Assuming that we pass this tonight, Law Director Frey, how quickly will the court matter be resolved?

Director Frey – Assuming that we approve this, as you see there's attached to this a Memorandum of Settlement. We would make a joint motion to the Court to resolve the matter either through a dismissal at the Plaintiff's costs or through an agreed Judgment Entry. We'll do that this week if it's approved tonight. It is effective immediately so we would go forward immediately and get it done.

Councilman Langman – Very good, we hope that happens.

Councilman Langman moved to close debate, Councilman Gruber seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Ord. 157-2006 (185-06) Trax Construction

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Trax Construction Company, 38030 Second Street, Suite B, Willoughby, Ohio 44094, for the Hydrant Replacement on East 195th Street, East 236th Street, East 238th Street, East 218th Street, and East 222nd Street in the amount of \$135,973.00. (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage, Councilwoman Walsh seconded.

Director Gulich – I'd hoped to introduce this legislation before we took our summer break; that is why I've asked for it in emergency. Is it an emergency? Of course it is not an emergency but we did this summer go out for bids, we're coming back to you, we've got a low, successful bid from Trax Construction Company to perform this work. We'd like to get them going on it. That's why I've asked for an emergency.

The Michael Benza report has recommended we upgrade 25 hydrants each year where we know we have low fire flows. The Fire Dept. flushes every hydrant in the city on an annual

basis. We also rely on Cleveland Water Department records for information on this. The whole idea is to replace 4" hydrants with 6" hydrants, increase the fire flows and our hopes are to keep our fire insurance rates down.

Councilman Lisy – Director Gulich, have we worked with this firm before in the past?

Director Gulich – This firm has not had a contract under this name, under a previous construction company they did perform some work for us. We asked Michael Benza to do some research on them and other cities where they have performed similar work and they did indeed recommend them.

Councilman Lisy moved to close debate, Councilwoman Mancuso seconded. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules, Councilwoman Walsh seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

President Gudenas – I forgot, we do have the people here from the insurance consultants, #14, if it is okay, we can move that next because they've been waiting here, we might as well take care of that too. Let's go into #14 next.

Ord. 158-006 (198-06) Fedeli Group

An ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with The Fedeli Group, 5005 Rockside Road, Independence, Ohio 44131, in an amount not to exceed Forty Three Thousand Two Hundred Dollars (\$43,200.00), to provide health care cost reduction services to the City in conjunction with the City's health care self-insurance program for eligible employees for a three-year period commencing January 1, 2007 and expiring December 31, 2009. (Sponsored by Council persons Mancuso and Langman)

Councilwoman Mancuso moved for passage, Councilman Langman seconded.

President Gudenas – We had a committee meeting on this last week and is there something further to add? I know we had a question regarding the fees, if they were locked in for three years. Was that answered for us?

Councilwoman Mancuso – It was answered for me but since we have the representatives here, I would like to have them come to the podium. There was some confusion over if the fees that were quoted in the RFP were as stated for the first 12 months only. What we were looking for was a three year period with the same fee for three years.

Councilman Lisy moved to suspend the rules, Councilwoman Mancuso seconded. Yeas: Unanimous.

Mr. Michael McGrath and Mr. Harry Brownfield with the Fedeli Group.

President Gudenas – Question on the fees.

Mr. McGrath – When Councilwoman Mancuso and I spoke earlier today, we did clarify that the Fedeli Group would be very interested in actually honoring the first 12 month fee and extending that out for a 3 year term as well. So, we would be more than pleased to work with the City of Euclid for that same amount over a three year period. In other words, we would not ask for an increase in our fees for that period of time.

President Gudenas – That will be part of the agreement then in writing?

Mr. McGrath – That's correct.

President Gudenas- Just to clarify. There was a big story in today's Wall Street Journal, on the front page about some brokers, consultants, are getting fees from the other end. You were asked a question at our meeting regarding the City of Euclid's business, would there be any kind of

fees, commissions, bonuses, or other incentives being paid by whoever you deal with on behalf of the City.

Mr. McGrath – It's a wonderful question. Because we've been engaged by the City of Euclid Council for an engagement fee, we would not be eligible, nor will we accept any contingent compensation or bonuses from any insurance company. In fact once we're awarded the business, we'll have our attorney or counsel, actually draft a letter to the city stating the fact that we will not accept any additional compensation. We are very, very comfortable with that.

Mayor Cervenik – I welcome the Fedeli Group to the City of Euclid. I've talked with some of the members in your firm about other services you provide as well. We really feel that the change at this time will do very good for us. I would like to thank my Insurance Administrator, Roseanne Evangelista, Councilwoman Charlene Mancuso as well as members of our insurance committee that participated in this. Councilman Langman and Councilwoman Walsh was in one of the meetings as well.

I would also like to thank Mr. Szana of Group Health Care who is on contract until the end of the year. Mr. Szana and his company have provided excellent service to the City of Euclid for almost 10 years now and we fully expect to see the same kind of service from Fedeli and I'm quite confident that we will. Thanks everybody for getting this process done.

President Gudenas – Our council members did spend a great deal of time over the summer while we were on recess to get this ready for us in September and we greatly appreciate it and look forward to good, efficient benefit plan for the employees.

Director Frey – I would suspect that we would want to amend this to indicate that the \$43,200 is per year then. We'll just make that minor insertion in there so that it is clear that's what we have.

Councilwoman Mancuso moved to amend Ord. (198-06), to specify that amount per year for three years. Councilman Lisy seconded.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Amendment passes.

Councilman Langman moved to suspend the rules, Councilwoman Mancuso seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed

Res. 159-2006 (190-06) Calabrese Agreement

A resolution establishing and directing the Administration to enforce the purchase agreement covering the development of property located at 27700 Lakeland Boulevard. (Sponsored by Council persons Gudenas and Walsh)

Councilwoman Walsh moved for passage, Councilman Delaney seconded.

President Gudenas – This came up. We had discussions with the Calabrese representatives and it was discovered in the agreement that they signed to purchase the land that specific promises were made as part of the agreement; that a building would go up for their headquarters, that the remaining land would be marketed with their best efforts. In fact nothing has happened. They said no marketing has taken place and no building as we know has gone up, but the rock pile seems to be getting bigger and bigger and it seems to be contrary to the intent of the agreement.

Councilwoman Walsh – I agree with everything you said and then some. The rock pile is getting bigger. So if they're building a building with rocks, they've succeeded. But they're disobeying the law, they are disobeying the contract and I think this has to pass tonight to show them who's boss.

President Gudenas – We're asking to enforce the purchase agreement. This is different than the zoning issue that is before the Court. This was a specific part of the agreement, a promise made

to the City in writing that these things would happen. Rather than wait for the court to act, we're asking to act now, so that we can move this along further.

Director Pietravoia – I just wanted to comment to Council and to the public that we agree 100%, we are eager to see the site developed. We agree with Council and we would like to do everything possible to move forward in enforcing the agreement that was signed by Mr. Calabrese.

I did want to comment and I apologize Councilwoman Walsh, I didn't have a chance to get the pictures printed before Board of Control when I saw you this afternoon. But we did make another visit to the site and it is our opinion, based on photos that we took in July and photos we took again today, that the actually concrete pile of broken concrete has stayed the same. There is other activity on the site that folks have reported to you that they think the concrete pile might be growing, may have been confusing with the concrete pile itself. We did see some other construction materials that were brought to this site that weren't there in July. These are legitimate materials associated with Mr. Calabrese's business. I just wanted to clarify that and I will provide the photos to you and other members of Council. We don't believe the actual concrete pile is growing, but there have been other construction materials brought onto the site. If this is passed tonight, I'm assuming that it will be, we will make every effort to enforce the agreement and hopefully at some point see the site developed.

Councilman Langman – Director Pietravoia, have we had contact with Mr. Calabrese since all this began to find out what his intentions are as far as building the buildings?

Director Pietravoia – We had plans submitted in March and in April and May is when all the actions were taken by Planning & Zoning and then City Council. After the action was taken by City Council as the Chairman pointed out denying the temporary rock crushing, the activities from Mr. Calabrese stopped. We asked for official applications to be submitted for building plan review for Architectural Review Board. We provided all that documentation to Mr. Calabrese and he has not submitted those documents. He did submit the drawings but he hasn't proceeded with the official applications to get the review process started.

Councilman Langman – Law Director Frey, on the purchase agreement, was the building of the buildings contingent upon any rock crushing or concrete storage on the site?

Director Frey – The agreement was that he would develop the property both for his business and for other users. There is no indication in the agreement that the crushing was an essential component of that. That was part of the representation he had made both to Planning & Zoning and to Council for his reason for seeking the Use District Exception to allow the crushing of the concrete as base material for the buildings, roadway and parking.

Councilman Langman – Have we had any contact through your office since the suit was brought to overturn Planning & Zoning?

Director Frey – We've had just the pleadings that were filed and the case management that Mr. Jerse attended on behalf of the City. That's the extent. There is a briefing scheduled that has been set by the Court. As I had indicated in our last conversation on this matter, the Court has tentatively set the end of December for a determination as to whether or not our ordinance effectively prohibits the crushing of concrete.

Councilman Gruber – Director Frey, what are the procedures and what are the penalties? If we are to try to enforce this, how do you go about it and what ramifications can Mr. Calabrese expect?

Director Frey – I guess Councilman to be particularly cautious in on-going litigation, I'm not going to suggest that we have a particular course of action planned out at this point or cost or penalties to the city. I think it is probably wise to indicate that if we attempt to force the agreement, Mr. Calabrese through his counsel, will attempt to block those efforts until the issue is resolved. It doesn't necessarily make our efforts in vain, but I think dialogue is always a good thing. But I would not expect that we're going to say, build the building, subdivide, sell the property to other interested parties, and not have resistance on his part.

Councilman Gruber – What will the procedure be for you to notify Mr. Calabrese? Are you going to send him a letter with a time-table or just going to ask him what's going on?

Director Frey – If Council enacts this Resolution tonight, Mr. Pietravoia and I are going to have to chart that course of action. I don't know the answer.

Councilwoman Walsh – Two points here. How long is it going to take you to chart the course of action because we've had the course of action since March and nothing has been sailing from the dock. The second thing is, Director Pietravoia, you said that other things are going on. Well obviously Mr. Calabrese's idea of going on is different than the residents right on top of the areas going on. I also, in addition to the pictures, I want a list of what's going on, in writing, so that when the people question me at homeowner's association or on the street, I have something, excuse the pun, concrete to give them. I believe the pile is growing. I've driven by there. I've not gone on the property because I do not want Chief Maine to have to arrest me. But from the street, the pile is growing, or he's rearranging it.

President Gudenas – So regarding the timetable on a course of action, setting sail.

Director Frey – In all due respect, there is ongoing litigation in this matter. A Brief has been filed, appealing the decision of the Planning & Zoning Commission. Typically and it was my advice to council and you'll decide whether you want to accept that or not, that we allow that course to conclude. If Council chooses not to let that conclude, then Mr. Pietravoia and I will meet and we'll figure out what our next step is in that. I would imagine we're going to know what we're going to do this week, since I would imagine we're going to know pretty quickly what Council is going to do tonight.

President Gudenas – Would you be able to put that in writing your plan to report back to us? You could even pass it on at our Executive Session next Monday.

Director Frey – Sure, I would be glad to do that in Executive Session.

Councilman Langman – I don't want to draw the analogy too closely, but we just finished with an individual that brought a suit to overturn Planning & Zoning and we sat down and we talked it out and we were able to come to a compromise. Have those efforts been undertaken in this matter?

Director Frey – Councilman if you recall, we had a set of parameters that allowed limited crushing of concrete based on certain temperatures, days of the year, in an effort to reach that compromise. That was not approved. Since that time we have not engaged in any further discussion. If that is the direction of Council, certainly we will engage in that discussion and see what we will bring back. As you know, Council needs to approve any resolution as they have tonight with the Sunrise Apartments.

Councilman Langman – I don't want to overstep the boundaries of the Ward 3 Councilwoman or anybody else, but it seems like that would be a prudent course of action. As you mentioned dialogue is good and perhaps something would come out of it, perhaps not. But to not try, I think would be the worst item of all.

President Gudenas – Sometimes you get better dialogue with a legal brief in your hand.

Councilwoman Walsh – Correct me if I'm wrong. He bought the property at a discount, saying he would not crush rocks. Is that correct?

Director Pietravoia – The agreement said that he could only do what the zoning code allows and the zoning code does not allow rock crushing, concrete crushing.

Councilwoman Walsh – In my Ward 3 area, the dialogue is, give me back the difference in money to the City General Fund, and you can crush whatever you want. Because there's two avenues here, there's your litigation and there's the litigation to make him live up to what he wants to do, or supposed to do. That's the litigation. There's two litigations. Rock is rock. Concrete is concrete. You can split all the hairs you want. He disobeyed the law and he needs to pay for it. He has not once contacted me. I have had calls from the newspaper, from residents, they wanted me to drive over there in March. This has been going on since March. Dialogue? The dialogue is pay up or get out.

President Gudenas – So Councilwoman Walsh is bringing up the good point that back years before he was going to pay something around \$500,000 and do rock crushing, that was turned down. Then the price went down lower to \$350,000 with the understanding there would be no rock crushing, but with the understanding that he would develop it. So the city has lost the difference, what it could have had for rock crushing, which he would have paid before happily. Also we've lost our income tax and property tax monies that we would have received had the property been developed. If we do file some kind of legal brief, those two items could be monetary damages, the taxes lost and the difference in price between crushing and not crushing which were clearly established by him in the previous years.

Councilwoman Holzheimer Gail – I certainly appreciate Councilwoman Walsh's concern and commitment to her residents. My, I guess concern is, in trying to force somebody who's not happy with us, to build something. Does that mean we're going to get a very low effort, if he even does go ahead and build a building of some type, what are we going to get?

Mayor Cervenik – This would be an oddity because it would be the second time I'm saying that in an evening about legal problems. But, this is pending litigation and some of the decisions make here tonight by this legislation could, if we forced adherence to this legislation and a Court ruled as they did in Cleveland that concrete is not rock crushing; we could possibly and I don't want to go any farther, there could possibly be a detriment to the taxpayers. Could we not discuss this further in Executive Committee Executive Session? We're starting to cross the border where the party that is suing the city could be gaining some advantage to this conversation.

President Gudenas – We could also approve the legislation, proceed and then keep us updated.

Mayor Cervenik – You can approve the legislation, that's fine. But I still think some of the decision, the plan that the Law Department and the Community Development Director will give you will spell out the pitfalls and the risk we take enforcing this action and I don't know that I would want that to be the hands of the people that are suing the City.

You do need to remember that the owner, although you're against it from the start, he could have crushed all this concrete in 2 weeks, had it done and been developed. Now I know that's not what you wanted and that's fine, but in the meantime there was a case in the City of Cleveland that distinguished very clearly between rock and concrete crushing. And by taking this action of not allowing the 2 weeks of crushing for the base of the buildings he wanted to develop, we are opening that site if the Courts rule accordingly to be a rock crushing site not that he wants to do that but that's the risk we're taking here as well. So I would ask Council to vote on this, we will meet with you and explain to you the pitfalls and some of the legal ramifications if we go forward and the damages that could be involved.

President Gudenas – All right, the advice is to vote on it and we'll hear about further at the, in briefs through Executive Session or otherwise.

Councilwoman Holzheimer Gail – Not to belabor it but by passing this, are we opening ourselves up to additional legal issues?

Director Frey – I'm not, I don't think this resolution is going to cause us to face any additional challenges on this project than we face right now.

Councilwoman Holzheimer Gail – Thank you.

President Gudenas – Okay, any one else, I see no one else.

Councilwoman Walsh moved to close debate; seconded by Councilwoman Holzheimer Gail.
Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas
Passed.

Ord. (186-06) Prohibit Night Parking E. 193rd, 195th, 196th s

An ordinance amending Section 351.12 of the Traffic Code, Part Three of the Codified Ordinances of the City of Euclid to prohibit night parking on East 193rd Street, East 195th Street and East 196th Street during certain hours. (Sponsored by Council President Gudenas and Councilman Conway)

Councilman Conway moved for passage; seconded by Councilwoman Walsh.

President Gudenas – This was brought to our attention by the residents. We're considering this a First Reading and we have comments up until October the 2nd and if we don't hear anything, then hopefully we can proceed with that.

Councilman Conway – I'd just like to add one point on this. It's become very evident to us who have spent time in this area that something needs to be done. We've had the opportunity to talk to Chief Maine about this particular ordinance and one of the recommendations that he wanted to ensure that we did is to make sure we really cover this particular area. Talk to as many residents as possible and make sure that this is something that does need to happen and that the majority of the residents impacted in this area do want this to move forward. I believe there's been some times in the past where, you know, the spirit of an ordinance has not necessarily met the needs of the residents. But we did make this a first reading so we have the opportunity to not only get out to the Heritage Park Homeowners Association, which I believe is September 28th, I'm sorry, September 26th at 7 p.m. to talk to the residents who are most impacted by this as well as we will spend time on the various streets that are impacted talking to the residents to make sure that they understand that this is a tool we want to be able to provide our Police with to try to make an impact on some of the activities that are taking place, taking place on the street that this ordinance would impact. So we will be out there please feel free to give me a, contact me with any questions or concerns that you have and, hopefully, this will appear on the next, during the next Council meeting so that my colleagues can entertain a vote on this particular ordinance.

President Gudenas – Thank you very much.

Councilman Gruber – And I talked to Councilman Conway and to pledge my support if we go door-to-door and stuff, but it may be a clerical error on B should it be north of Euclid Avenue and south of Roseland? South of Euclid Avenue would be where the apartments are on the other side of the street so just maybe a correction there.

Director Frey – Quite correct, we'll make the correction.

Councilman Gruber – Thank you.

President Gudenas – All right that shall be corrected for the next meeting and it's a First Reading so nothing needs to be done on that today.

Res. 160-2006 (188-06) NIMS

A resolution to formally adopt the National Incident Management System (NIMS) to comply with Homeland Security Directive (HSPD)-5. (Sponsored by Mayor Cervenik and Councilwoman Mancuso by request of the Fire Chief)

Councilwoman Mancuso moved for passage; seconded by Councilman Lisy.

President Gudenas – Any one can explain this in one minute or less.

Chief Cosgriff – I'd like to start with a little history of the Incident Management or Incident Command. Incident Command was introduced to the Fire Service following a rash of wildfires in California in the early 70s. At that time there was little coordination of efforts between the different entities as the fire spread from cities to different counties and even to different states. Federal money was provided to Southern California to develop a system to better coordinate an escalating incident. This first system called Fire Scope was patterned after a system used by the military. Several years later Chief Brunacini of the Phoenix Fire Department developed a somewhat different system geared more towards urban fire fighting. This Incident Command System was known as the Phoenix System.

There was a lot of controversy over which system was better and a short time later Chief Coleman from the Toledo Fire Department developed yet another system.

When Euclid Fire Department actually began using the Incident Command System back in the early 90s, we followed this Toledo System. And it certainly provided better command and control over our incidents.

The underlying principle in Incident Management is it will be used on every incident no matter how small. As an incident escalates, it is divided into smaller sectors in order to achieve a manageable span of control. There's one incident commander and no units take any action without orders to do so. The result is that the strategies and tactics are better coordinated and it makes for a safer response.

The obvious problem of having three different systems was that as an incident escalated in more cities, counties or even states became involved, we found that we were not all functioning under the same Incident Management System and we're not using all the same terminologies. The fallibility with not having a nationally accepted incident management system became apparent on 9/11 and more recently with the hurricanes and flooding. As a result of this, the President issued Homeland Security Directive 5 directing the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System or NIMS, which would enhance the ability of the United States to manage domestic incidents by establishing a single comprehensive national incident management system.

This resolution will formally adopt this system in the City of Euclid. This will enhance our ability to work with other agencies and will bring us into compliance with the Department of Homeland Security and I ask for all of your support for this.

President Gudenas – Thank you for the explanation. Any questions?

Councilman Gruber – May I recommend that all Council members have their names added to this. I firmly support this and I thank Councilwoman Mancuso for the work that she's put into this system.

President Gudenas – Did you like the Toledo one or the California one? Okay, all right. So we shall add all of our names to it, Law Director Frey, and anything else?

Councilwoman Mancuso – I would just like to ask my colleagues are we all, have we all currently completed this? I haven't had an update. Has everybody done their NIMS test so that we are all compliant so when we go for funding we are all indeed compliant? Yes, Council President, I'm looking at you.

President Gudenas – I'll get back to you.

Councilwoman Mancuso – There's a nice study guide that'll help you.

President Gudenas – Okay, more tests. Anything else?

Councilwoman Mancuso moved to close debate; seconded by Councilman Gruber. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas
Passed.

Ord. 161-2006 (189-06) Turnout Gear for 9 Firefighters

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to enter into a contract with The Fire House, 125 East Church Street, Newark, Ohio 43055, for the purchase of turnout gear for nine (9) new firefighters in an amount not to exceed \$16,380.00. (Sponsored by Councilwoman Mancuso by request of the fire Chief)

Councilwoman Mancuso moved for passage; seconded by Councilman Lisy.

Chief Cosgriff – Article 25, Section 4 of the Collective Bargaining Agreement between the City of Euclid and Euclid Firefighters Local 337 states in part that the employer shall provide all turnout gear protective clothing worn for the purposes of safety and provide replacement of such items due to normal wear and tear at no cost to the employee. This purchase consists of a helmet, turnout coats and bunker pants and boots for our nine new firefighters. This gear conforms to the most recently NFPA standard and is the same gear that was replaced for the

entire department in 2004. I'd like to note that when we replaced that turnout gear 70% of the funding for that came from the Federal government and I ask for your support.

President Gudenas – Thank you. I see no questions.

Councilman Gruber moved to suspend the rules; seconded by Councilwoman Walsh. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas
Passed.

Res. 162-2006 (194-06) 2007 Ohio Public Works Issue I

A resolution authorizing the Mayor of the city of Euclid to prepare and submit an application to participate in the 2007 Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s), (Issue I) and to execute contracts as required. (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage; seconded by Councilman Delaney.

Director Gulich – What we've called for years Issue 2 and then recently Issue 1 I've been told we should be calling the Ohio Public, the Ohio Public Works Commission State Capital Improvement program. I think it's going to go by the name of Issue 2 for some considerable period of time yet.

And of course keep in mind, this resolution simply authorizes the Mayor to sign the application so that we can properly submit them. The resolution says he's going to prepare them, too; but we probably won't make him prepare them. Our consultant and my office will work together on this. I'll briefly run down the projects, but I do want to mention that our past history with the Issue 2 program has been of extreme success.

We've been able to complete over \$30 million worth of projects, most of that with 0% loans and grants. We want to pursue both 0% loans and grants again this year along with Euclid submitting a portion, still working on numbers with our engineer so at this time I can't give you any numbers. But I do want to emphasize again that we are simply submitting applications. They're due on, the applications themselves are due on October 2nd. The Commission will review them until year's end. We will have a chance to answer questions, submit additional documentation if necessary. Early in 2007, probably shortly after New Year's we'll have some preliminary decisions from them. If any of these applications are successful, we would be able to start work some time in the second half of 2007. So it is an ongoing process, we do put a lot of work into these applications. That's a large part of the reason why we have been successful. Plus we've got a lot of old infrastructure in our City. A lot of it still left over from the 1920s. That in and of itself enhances our chance to score well on these projects county wide. We're part of District 1, which is Cuyahoga County.

Now for the projects as I said I'll just briefly run through them. I'll try not to get bogged down too much.

First project we're going to apply for would be the Euclid Avenue Bridge and Sundry Combined Sewer Regulator Rehabilitation project. What the heck is that? In the past year Council has approved legislation allowing us to get going on our long-term control plan. Approximately 5% of the city is still a combined sewer system. The U.S. EPA has determined that we need to do something about that. We feel that this project will score well with Issue 2. It's something that we are mandated to do. We don't have a final permit in place to proceed with the long-term control plan. We have met with the U.S. EPA earlier this summer. We're going to meet with them again the first week of October. We hope to be able to have a, have a finished report to them that they will find successful, suitable.

Second project, East 214th and parts of Lake Shore Boulevard, Sewer Water and Pavement Replacement project. We have submitted in past years for this. We have gotten as far as making a contingency list on this. We are considering perhaps a, extending the loan date to 30 years possibly here and increasing the amount in order to get some more points on this project. And again we say parts of Lake Shore Boulevard, we would do some improvements there on Lake Shore Boulevard to help the project score some additional points.

Third project, East 248th Street and parts of Lake Shore Boulevard, Sewer Waterline Pavement Replacement project, I think anyone that goes down East 248th can vouch for the condition of the pavement, curbs, sidewalks on that street. In past years we've also videotaped the sewers on that street. They are part of the 1920s class of sewers, which are called over and

under sewers. Again, we know there was lots of flooding in that area in the recent July storms and we are including part of Lake Shore Boulevard. Our plan is to do some work on Lake Shore Boulevard that would also relieve some flooding problems we had on 246th. So these two projects would work very well to relieve a lot of the problems we had with the storms of July 27th. And again, the age of the infrastructure, the type of infrastructure, its current condition, they tend to score well. So we have, think these projects merit the attention of the Issue 2 people.

Tungsten Road and parts of East 260th, Sewer Waterline and Pavement Rehabilitation project, Tungsten Road pavement's in terrible condition there. It's in terrible condition mainly because of all the problems we've had with the waterline breaks over there. We've had some massive breaks. These have also affected the sewer system over there. We did apply for this last year. Again, we're hoping to tweak the appropriation of funds we're asking for in order to score better with this project.

Fifth, last but not least, a project you haven't seen before, Dille Road and East 204 Street, Sewer Water, Pavement Replacement and Sanitary Pump Station. We have a lot of problems with that sanitary sewer over there. One of the first sewers installed in the City of Euclid, I think 1922 that dates back to. Anybody who keeps up with their weekly reports in the Plain Dealer regarding sanitary water that's found at the mouth of Euclid Creek knows that there's a number of overflow situations there affecting that system. In the last couple years the Health Department and the Regional Sewer District and the City of Euclid have done quite a bit of sampling over there. We know there's some deficiencies in that area. Going to have a special meeting with CT on Friday afternoon in regard to how we want to go about addressing the problems with the sewer over there. Again fact that it's affecting the water quality of Euclid Creek and the mouth of Lake Erie, we hope we have a lot of support from Issue 2 on that so.

I said I was going to be brief.

President Gudenas – You were wrong.

Director Gulich – That was little longer than I thought, but hopefully, I've given some explanation as to why these projects merit these applications. And I just want to emphasize they are only applications right up until July 1st, 2007 when the Mayor may or may not be allowed to authorize an agreement. Thank you.

President Gudenas – Thank you, Director Gulich, any questions?

Councilman Gruber – In the past there had been some talk about an underpass at Dille Road, is there any talk of that at all any more? I know that was several years ago.

Director Gulich – Good question, Mr. Gruber, I would hate to have the City invest a lot of money in that area that would simply be rearranged in future years. We have had conversations with the City of Cleveland and the Councilman over in that area over there and I have talked with State and County officials as well. Dille Road, of course, is a county road. There is no intention at any time proceeding with that underpass.

Councilman Gruber – Thank you.

Councilman Langman – Regarding 248 we've talked this street for a few years, how did it make the cut this time as opposed to in those past years?

Director Gulich – Good question, Councilman Langman, couple points. Obviously, it was demonstrated in the July 27th storms to have significant basement flooding problems over there. Anyone that went down that street Monday morning, as I did, could tell that. Again, I'm tying that into the East 246th situation over there. Those sewers are in relatively good condition. We did some rehabilitation there in the 90s. We did also do some manhole separation over there, but we do know the sewer on Lake Shore Boulevard is part of the reason over there why they had problems. We can key that project in there, get more bang for the buck with Issue 2 that we're affecting a lot more people with these infrastructure improvements. So we're going to kind of gang them together and we felt that this project will merit closer attention from them.

Councilman Langman – So the storm was the straw that broke the back so to speak as far as getting that done?

Director Gulich – In summarizing it in a few words, yes.

Councilman Langman – Thank you.

Councilman Langman moved to close debate; seconded by Councilman Gruber. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas
Passed.

CEREMONIAL RESOLUTIONS

Res. 149-2006 (197-06) Patrick A. Lynch

A resolution of congratulations for Patrick A. Lynch, an Officer with the Department of Police, in recognition of his distinguished 31 year career of service to the residents of the City of Euclid. (Sponsored by Mayor Cervenik and entire Council)

Res. 150-2006 (199-06) Thomas M. Yanacek

A resolution of congratulations to Thomas M. Yanacek in recognition of his distinguished career with the Euclid Police Department and his years of service and dedication to the residents and businesses in our community. (Sponsored by Mayor Cervenik and entire Council)

Councilman Delaney moved for passage; seconded by Councilman Conway.

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas
Passed.

President Gudenas – Now we only have 8 minutes to go before we'd switch the tape so perhaps we'll take our break right now and come back right around 9 o'clock even so let's come back then.

Back in business here, it's just after 9 o'clock and we are at the Committee of the Whole regarding anything regarding the general welfare of the City of Euclid.

Councilwoman Mancuso moved to go to the Committee of the Whole; seconded by Councilman Conway. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

President Gudenas – And we have the first row is all empty so anybody who wants to talk you can also sit down in the first row in order instead of standing if you want. Make yourself at home; let's begin.

Mr. Tod Guntner – 21210 Edgecliff. First of all, a bunch of thank yous, Officer Yanacek and Officer Lynch, thank you for your years of service keeping Euclid safe, I appreciate it. I'm sure all the citizens of Euclid appreciate it and it is an honor knowing both of you.

Next I would like to thank Kathy Will and her staff at the Recreation Department for putting on the Doggie Swim. It was a great success. Everyone there had a lot of fun. We probably had as many people come just to watch the dogs as we had dogs swimming so it was a great event and we do look forward to working with you again next year.

Not last weekend but the weekend before, we were invited to Lyndhurst Home Days by the South Euclid Humane Society and South Euclid Councilwoman Sonni Simon. I would like to thank her for inviting us. We spent two days up there. We were able to bring a couple of dogs thanks to permission from Captain Nosse and we did have one dog adoption based on our being there. And I'd like to thank a couple of volunteers, Lynn Wilkoff and Shawntel Johnson for their efforts in helping me with that weekend.

Next we have a unique fundraiser coming up. We are taking a step differently with our Halloween pictures this year. We will have our Halloween pictures on Saturday, October 21st. That would be from 12 until 4. Pictures will be \$5 for the first picture and \$4 for each additional. Now here's the twist, the twist is, is we have two new canine officers with us. They are learning their trade as we speak. These two new canines need body armor. It is quite a large expense and Pet Pals is going to sponsor this fundraiser to help raise money to help defer the cost of the vests. In years passed we've raised \$3-400 and so what we'd like to do is we would like to get everybody who has a pet involved whether you have a dog, a cat, a bird, a hamster we'll be glad

to take pictures. Again, that's at the Euclid Animal Shelter October 21st from 12 to 4. You can call 289-2057 Tuesday through Saturday from 12 until 4 if you have any other questions.

Next we're having our Annual Four Paws Clam Jam and Boo Bash on Friday, October 27th. Yes, Groucho Marx will probably be there again, 6:30 to 11:30. Price is the same. This is 4 years in a row we have not had to raise the price \$40. This is open bar, clams, chicken, sweet potatoes, corn on the cob; hopefully, we'll have strudel again this year because that was a big hit. Again \$40, we should have tickets within a week. You can come on in any time and purchase tickets and we'll greatly appreciate your support. Have a good evening.

Mrs. Madeline Scarniench – 1511 East 221. I'm going to go backwards. Item 14, it's absolutely refreshing to see a politician and no offense to everybody else who actually does what they campaigned for. Councilwoman Mancuso, you've done a wonderful job as far as the medical is concerned. That's been an issue for both campaigns and you worked very hard and I commend you. One of the things that City workers all rely on is having a job for a long time and having good medical care. And from personal experiences if you get a bad person in there, it's going to hurt you deeply so I think you did a great job and I commend you for it.

Item #9, Mr. Calabrese, I hope everybody has had a chance by now to go back and read, listen to the tapes and the minutes of anything that had to do with Mr. Calabrese because as I've said before he stood here in this spot and said he would not crush anything. And he also said if he wasn't allowed to crush it, he would just have to pay to have concrete put in to put up his buildings so please make sure you read it. Make sure whoever, the judge, whoever it is sees it and knows it because the one thing Councilwoman Walsh said is absolutely right. This is two different issues. The man lied. He's not living up to what he promised the people here and that's why he got what he got.

Item #3, according to the paper Council is not now part of the litigation so does that mean that Hilary Taylor is off the books as far as taking care of this issue or will the City be handling it or will he now be working for the Administration? And on the same note I will reiterate what I've said months ago; this November it is the Mayor's obligation to reconvene the Charter Review Commission. It is important that every citizen in this City knows that everything's done on the up and up. It is not to make any one safe in their position because every time there's an election you're not safe.

Let the Carter Review Commission come up with the plans, two plans, three plans that will fit with what the Justice Department says needs to be done and you let the voters vote on it. Unfortunately because you didn't do this when I brought this up before, we're now going to have to pay for an election. Because if you hold this off and it gets done so that it's for the 2007 election, people who want to run may not run if the changes aren't made. You don't know. So it's only fair to the citizens of this City to do this as honestly and as quickly as possible. There are compromises. I can't see if we came up with a plan and it was the right plan that this all wouldn't just go away and I hope you will all think about that. November is not that far away. Let the people of the City do the job that they can do. They've done it for all these years. It's time to let them do it again. That way it's out of your hands. You're not trying to save anybody's job. It's whoever's job it is when they get elected for the next term. Thank you.

President Gudenas – Weston Herd was hired by the City of Euclid for the City of Euclid and will continue working for the City of Euclid.

Mr. Jack Hagenbaugh – 20200 Hillcrest. Council President, I just wanted to clarify concerning Ms. Scarniench's comments earlier in the meeting. The legislation in Item 3 is for the dual purpose of rebalancing the Wards, which is a routine matter, but also to address the Justice Department issue. Is that correct?

President Gudenas – Correct, correct.

Mr. Hagenbaugh – Thank you.

Mr. James McKowne – 725 Trivett Circle, Greenbrier Commons. I'm here this evening to represent the many homeowners and residents off of Georgetown Road and what was spoken to earlier addressed in the Administrative comment part of the meeting. We appreciate the response and interest that our Council member, the Service Director and the Mayor has taken in our request to repair and resurface Georgetown Road. We strongly urge that this be made a priority. It is a safety issues there, make no mistake about it. There's no place to walk when the snow flies when the plow comes through and piles the snow. There's no sidewalk. You know, one year my condo was in the pictures of homes for places to live in Euclid. It's a beautiful area

up there. It's a little jewel to this community and an asset to the City of Euclid. It's just a shame that the egress and entrance via Georgetown Road, that's the only way in and out, has been neglected for so many years.

Again, we strongly urge that our request be followed up on as soon as possible. We thank you for your attention.

President Gudenas – All right, question to Director Gulich, when's the last time we had a meeting with Richmond Heights? Apparently, that's our stumbling block?

Director Gulich – Their City Engineer was in my office last week and I discussed the issue with him and, again, our stretch of the road is something less than half the road, more along the lines of a third. And again, I don't think have any problem getting support from this Administration, but we really need to work with Richmond Heights on that.

President Gudenas – And what's the issue with Richmond Heights?

Director Gulich – The street does, two things, the street does mainly service, quite frankly a large number of Euclid people. It doesn't service a large number of Richmond Heights people. And the second issue is they're talking about in the vacant area that runs along side the General Motors plant, they say there's, they're intending put some development up there in the next couple of years and they would want to wait until that development was complete to improve the road then. I don't think the road's going to last long enough.

President Gudenas – So is this more of a political issue as opposed to service issue?

Director Gulich – It's both.

President Gudenas – All right so perhaps you could maybe set up a meeting with us with the people who vote on these things over in Richmond Heights so we can work out some sort of arrangement that can make this happen sooner rather than later because it sounds like this has been going on for many years. I know I've heard this for a long time. So let's try to bring this to a conclusion and see what we can do with Richmond Heights to work together to be done with us.

Director Gulich – Three or four years ago, Council President Gudenas, four years ago we tried to put together a plan with them that would've included not a sidewalk per se but more along a bike path that's the old Highland Road I think most everyone knows and it was a narrow road and, of course, the rest of the pavement goes through the park. It's a marvelous place for the residents to walk there; but when it was converted over to Georgetown Road, there was really no plan to put any sidewalks in there. In did maintain the country look and I think the residents like that country look but it'd be nice if we could expand the pavement there and put something, whether we call it a bike path or a walking path, again to make it safer for the residents.

President Gudenas – All right, well, we'll set up with the political leaders of Richmond Heights see how we can, you know, get their support for this because it seems like the service directors and engineers all agree but we need to get some votes from their end. I think you'd have the votes on our end so we've got to work over there, which we will do.

Ms. Pearlitha Taylor – 1495 E. 193rd St. First of all I would like to thank Councilman-at-Large Conway and Council President Ed Gudenas for putting article #10 on the, on the agenda. We appreciate it very much. One reason we have talked to Council Conway and Council President Gudenas is because one of our neighbors that live in the neighborhood on 195th he noticed that how the drug dealers happen to get into our neighborhood. All of this taken place at the neighborhood fest. I think the gentleman talked to the two Council people about this problem and they act on it and I'd like to thank you for that.

Also I want to thank Kathy Wills for the fence is beautiful. We are getting more safety. We don't see as many kids in the playground so thank you very much.

Also I want to ask a question. This question is to Chief Maine. I would like to know why Heritage Park has some problem having a meeting at the mini station. We scheduled a meeting. It was told that it was okay. We announced it; we put it in our newsletter for Tuesday, September the 26th, and then I receive a call last week saying that that maybe we need to reschedule because one of the employees there, the coordinator, Audrey would not be there on that day. But I was under the impression that the mini station is open every day but on Sundays.

And it also state the Police Mini Station. Now the person that call me and told me that we couldn't have the meeting and we need to change our meeting date and that puzzled me because the mini station is open but he tells me it's only open for the policemen to come in and pick up their messages and just stop there for a minute at a time. Well, that's not helping our community. Also it's not helping our association. We are trying to get people to volunteer at the west end mini station. But unless we can come into that mini station, how will people want to volunteer? We're trying to get a mini library up there. We also trying to get people to come and help volunteer for the tutor kids and we want to help teach and train kids how to use the computer. But if we cannot use the mini station, what good is it? If an officer is on duty, why can't they give us at least an hour and a half for the community to be there. We're not asking them to do anything out of the ordinary because it is called the Euclid Police Mini Station but is very few policemen there.

And I notice with the mini station, both mini station, many associations are having problems. Not only Heritage Park but so many associations are having a problem even being able to come into the mini station to have meetings or to have any type group like senior citizen group to come and brainstorm. We want to start a single parent group but we have a problem with the officers and the people that's over the mini station. And I can understand that. This is a community that really need this mini station and we need to use it not just have it sit there and I know I have been told by several people that they don't know how long the mini station will be there. It's not for a meeting place, to go back to Central. Well, it is inconvenient for some of the senior citizen because the chairs at Central are like little stools and we have senior citizen that also attend our association meeting. So I would like for someone to answer that question for me.

President Gudenas – All right, so the issue is Heritage Park has their monthly meeting scheduled in advance with the Police Department; the meeting date was announced to the public, the location, the time and then last week at the last minute they were told not to show up. Chief Maine?

Ms. Taylor – And we only meet 5 times out of a year.

President Gudenas – Right, it seems unreasonable to cancel the meeting at the last second after the notice was given out.

Chief Maine – Is it my turn, Mr. Chairman?

President Gudenas – Yes, it is.

Chief Maine – Thank you. I don't want to say that anybody told a mistruth, Ms. Taylor, but there was never authorization given for that date. You had sent a flyer without making sure that that date was available. Let me finish, you had your chance to speak. When we hired somebody for that mini station, it was with the understanding, and it was made very clear even at this meeting if you want to go back and check the minutes that the person that was hired was unable to work on Tuesday evenings. That was the one night of the week that she wasn't able. That's why she's working Saturday. We said we would try and find someone, a volunteer, to fill in those hours on Tuesday evening that it would have been open if it was open from Monday to Friday. When you ask for volunteers, you can't always guarantee that it's going to be open. We're not going to staff it with a police officer because that police officer is needed on the road to answer calls and to address some of the other issues that are occurring down in your neighborhood so we're not going to have them there when you have your meeting.

They can stop by occasionally if they have to use the phone or facilities or something like that but they're not going to be in there on a regular basis. I know that you were told that any other week, any other day of the week Monday, Wednesday, Thursday would be available but Tuesday night was not going to be an option so I'm sorry that you had to end up rescheduling your meeting.

Ms. Taylor – Well, we will be there. We will have the press with us.

President Gudenas – Well, okay, let's, we should try to work this out because it doesn't seem like a big deal. I don't think the request was for a police officer to be there. The only request was to open the doors. That is the neighborhood group for where the mini station is and it seems like...

Chief Maine – Well, Mr. Chairman, that building is like any other City building. We're not going to leave it open and have it unattended. We need to have a City employee, preferably somebody from the Police Department who's going to be there. We can't guarantee that somebody's going to be able to be there for the time that it would be open.

President Gudenas – Or you mentioned a volunteer.

Chief Maine – Or one of our auxiliaries or somebody else from, yeah, who would be able to be there. We can't guarantee that.

President Gudenas – Okay, well, how many volunteers have we asked?

Chief Maine – I don't know.

President Gudenas – Can you let us know because right now they have a meeting scheduled and it doesn't seem like that big of a deal? That is the purpose of the mini stations is for the public to be more involved.

Chief Maine – I'm not disagreeing with that, but I'm also saying there were other nights that were open. We could probably guarantee that any other night that they wanted to schedule their meetings they'd be able to do that. Tuesday night wasn't necessarily an option.

President Gudenas – Again, I had talked to her ahead of time that Mrs. Taylor did tell me specifically the name of the person they talked to, which we are not going to get into a lengthy debate today, that they did clear it with an individual in the Police Department for that specific Tuesday and was only well after it was cleared. We can have a meeting tomorrow, conference call, whatever you'd like to go over the specifics of it; but this date wasn't just made up. It was cleared with the representative of the City of Euclid.

Chief Maine – I would respectfully disagree with that, but we can talk about it.

President Gudenas – Okay, well, sooner than later, probably tomorrow some time we'll have to try to work this out with the facts here because it shouldn't be that big of a deal to open up a mini station for a neighborhood meeting. Okay, next please.

Mr. Warren Wallace – 24430 Mavec. Do I have to go through you to talk to Mr. Beno?

President Gudenas – You're, I'm not sure. You can ask the question directly, yes, I believe so.

Mr. Wallace – Mr. Beno, how long have you, have you held any prior positions in Euclid other than the one you have?

Mr. Beno – The answer to the question is no. I was hired in to...

Mr. Wallace – Thank you very much, thank you. That's all I wanted to know.

I worked 28 days yet and I have to work another 14 before I get a break. Just to know my hard-earned wages is going to pay some of your paycheck, you know, that sickens me. I sat here last Council meeting and every one of these Council members said you did not return their phone calls. Whenever something get to these Council people that means you didn't do your job in the first place and then they have to chase you down and some you didn't even return their calls. That's uncalled for. You haven't been here long to get involved in this politics that goes on between Council and the Administration. Don't get involved in that; do your job. Do what you're hired for. Don't get involved in this bickering back and forth. If these Council people call you, then that means the residents have a problem and it's a emergency if it makes it... They have other things to do. They don't need to be chasing you down and it's unfortunate that all of them will get blamed for your job for you not doing your job for you being incompetent.

President Gudenas – Well, please, we don't have to go that far. We understand your concerns but no personal comments.

Mr. Wallace – I think any grief that comes your way, any grief that comes your way I think Director Pietravoia should catch some of it, too. He hired you, okay? We don't need you to come here and learn on the job. We need a professional straight from the door knowing his job.

There's no coming on here and just trying to fill in and trying to learn your job. We're not that type of City where we had a luxury of hiring somebody and then training them. You need to act like a professional. They should not have to chase you down and then the residents will blame them when they chase you down.

Councilwoman Holzheimer Gail – Council President, I think this is out of line.

Director Pietravoia – Mr. Chairman, if I could comment please.

President Gudenas – Okay.

Director Pietravoia – Mr. Wallace has always been very reasonable when we've talked one-on-one. I'm not sure where this anger about Mr. Beno is coming from this evening. Mr. Beno is a professional. He's been in this field for 20+ years. He's not on a learning curve, believe me. He knows exactly what needs to be done. We know that there had been issues with not responding quickly enough, but the response does come and I know this was discussed last Wednesday and I wasn't able to be there or I would have been part of that discussion as well. So I would offer, you know, to speak to Mr. Wallace directly, I'm sorry, yes, Mr. Wallace directly about his specific concerns; but I think it's inappropriate to berate a member of the staff, who clearly is a professional and is very knowledgeable and has been in this field and doing this type of work for many, many years. Thank you.

President Gudenas – All right, any one else? I see no one else.

Councilman Lisy moved to rise and report; seconded by Councilman Conway. Yeas:
Unanimous.

President Gudenas – And I believe Councilman Lisy is first for Councilmen Comments.

COUNCILMEN'S COMMENTS

Councilman Lisy – With respect to the mini station and Shore, how would we handle traffic flow at Shore Cultural Centre, Director Will?

Director Will – I'm sorry, Councilman Lisy, how do you handle?

Councilman Lisy – People entering the building the hours of the doors being open?

Director Will – We have hours that are listed on a day-to-day basis so the building closes at 9:30. That's when the doors are closed, but people can come and go once the building is open.

Councilman Lisy – I'm just wondering if a similar thing can be set up with the mini station. It's nice to have a staff person there, but on the off day if there can be some type of hours of operation, even though there's not a, let me rephrase that. Let me go back to another question. At Shore, is there a staff person there between those hours?

Director Will – Absolutely, there's always someone there that's a fulltime employee.

Councilman Lisy – And so we're trying to have a similar plan at the mini station but we haven't found that person for Tuesdays yet, is that fair to assess? Okay.

Director Gulich, with respect to Highland Road and Georgetown, could you get us a quote on how much it will cost so we can get a starting point of what type of numbers we're dealing with, with resurfacing issue?

Director Gulich – Certainly, we have some numbers. Obviously, with the recent increase in asphalt prices and so on, we do need to re-look those; but I'd be glad to share those with Council certainly.

Councilman Lisy – And I think this is to the Administration, probably to the Mayor, last year we were very fortunate to have a mild winter after our first big snow storms, but we had talked about working together with businesses and the schools to work on finding a group to plow our snow. Have we made progress in that area?

President Gudenas – For the sidewalks you're referring to?

Mayor Cervenik – Yes, Councilman Lisy, we did receive a quote from the company that will be that we awarded the senior snowplowing contract to. They will plow, they have said they will plow downtown Euclid and the business district on Euclid Avenue for an unbelievable price of about, I think, 5700, little less than that. So we, that will probably be approved by Board of Control very shortly. We probably will bring them in to see about expanding the area at that price. But yeah, we are working and I will, hopefully, we have a little bit of time before we have to make that decision. We did award the snowplowing contract for seniors to them.

Councilman Lisy – That's all my questions. Thank you.

President Gudenas – Okay, thanks for bringing that up, will we bill the property owners for that work then?

Mayor Cervenik – We haven't determined that yet. That could be, at that price it may be more than it's worth, maybe a return to our businesses investment. We will look into that.

President Gudenas – All right, once you give it for free the first year they'll expect it the next year.

Mayor Cervenik – No, the problem we have there, Council President, is if 3 or 4 of the businesses don't want to do it because they do it themselves and that then you're skipping and hopping over and it doesn't, it doesn't, there's some Administrative headaches in doing that we're going to try and work it out.

President Gudenas – All right, very good.

Councilwoman Mancuso – First of all, I need to ask to be excused from the Executive Committee on Monday because I'll be out of town. No? Sorry. Okay. I will be out of town I will, unfortunately, miss some of the information.

I also would like to thank everybody who tolerated my insistence this summer with the healthcare RFP and the bids and the presentations and my colleagues coming in. We really tried to make it a very open process. I have very large expectations of any healthcare consultant and especially the new one so I'm looking forward to working with them and our Administration. Our employees deserve good benefits and we as taxpayers we deserve to pay a fair price for them so they have heard my speech so I'm looking forward to them being capable of giving us a very good benefit package and doing it on a long-term basis. Many of you have heard me talk about, we as Council and Administration, need to look more long-term and less at the next election. And I think with this particular group we are beginning to do that at least in this segment. So I'm very thankful for everybody who tolerated me during this process to get this done.

On a new note I had met with the Mayor a while ago and am now ready to full steam ahead on our emergency plan, which has taken a little bit of a back set but since the Chief brought up NIMS tonight it's a perfect opening that we need to go back to some of the things I had spoken about and full speed ahead on our emergency plan especially in what went on in the County this past weekend with a countywide drill. We really need to be able to tell our citizens who, what, where and how we can take care of ourselves and each other in this City. So another group of people will have to tolerate my persistence as we press that activity a little harder. And with that I will say good night.

Councilwoman Walsh – I, I have a few things to say some with pride and one with a heavy heart. First of all, I would like to personally thank Chief Maine for something that he did for Ward 3 in the past week. The details cannot be divulged, but it was a great call and I do appreciate it and I'm sure he knows what I'm talking about. And trust me as time goes on you'll see some positive moves in Ward 3 for that.

I also would like to question you, and maybe I have a solution, just a suggestion, throwing it out there because today was a day of compromise for me. I convinced the Marines Toys for Tots to combine with Coats for Kids so we're going to have one big campaign so I'm on a, I'm on a high today.

But for Tuesday night's meeting, could Krystal come over for one night to resolve the issue? Could the Councilman from Ward 4 be the babysitter for one night to resolve the issue? And if he's not available, I will give up my time for one night to resolve the issue and in the future there

will be no more meetings scheduled on a Tuesday. Is that a compromise? Could we do it for one, one night?

Chief Maine – I think something like that could be worked out. I would hate to ask Krystal to come in because she gives so much of her time any way; but if there's somebody else, I'm not saying nobody isn't responsible, but if there's a responsible person who we could allow to lock up that building because there's a lot of things in there that shouldn't be open to the public. The building itself is but there's files and other things that go on in those buildings that, that's why somebody needs to be in there. So if something like that could be worked out, that would be amenable.

Councilwoman Walsh – Well, I'm offering. I don't know if my colleague, Councilman Gruber, wants to step forward because it is his Ward, his group. It would be more appropriate, but I would gladly give up the time for one time so we could resolve this with everybody walking away happy.

I do have a question. There's a new merchants association meeting. I would request that Councilman Conway be involved with that because that is his committee and I understand that Krystal is starting that and I think we need to see the mission statement of that.

Going on the Finance Director's not here but today at the Board of Control there was a quote and we paid \$3,475 for some envelopes and I left at 4:30, made a call to two printers and for what you're telling me I could get that 3,475 with the setup costs at 1,070 from my printer. So if you would provide me with a copy of the envelope, we could take it from there and we can make sure we're doing apples to apples and save the City some money because I think every cent we save we could put out on the street with a Mr. Policeman and that's a wonderful goal.

I do want to say go Panthers. I'm really proud of you guys. And finally with a heavy heart, I had a garage sale and it really turned out a lot of people coming up and asking me a lot of questions and I would like to put something to rest because I so totally believe in this City and I love this City. And based on an article and a man standing in my driveway keeping me busy at the garage sale for 45 minutes and then another lady for about 15 minutes on the article from the Sun newspapers, I would like to ask Mayor Cervenik to please provide a copy for the checks for wedding fund and end this once and for all because I don't have answers. And if you would do that, you offered to take us to lunch; if you'd bring those checks to lunch, a copy of them, I will put this to rest. Thank you.

Mayor Cervenik – Two items, one it'd be nice to put it to rest as my e-mail has said many times. All the receipts and everything are contained in the office. You're welcome to look at them. If you need me to deliver them to you rather than you stopping in, that's fine and dandy; but everything's been accounted for and the State auditors review those receipts as well.

As to the meeting next Tuesday, I had planned on attending any how and as the Safety Director and I don't get paid over time, I will be happy if the Chief allows and shows me how to undo the locks that I will open and close that building at that time.

President Gudenas – Are you considered a responsible party?

Mayor Cervenik – I certainly hope so. I've been fingerprinted. They know where I live. I'm sure that can be resolved. And in the future Tuesdays really are a night that things should not be scheduled there.

President Gudenas – Okay, that's great so no looking through the file cabinets. All right, I'll mention our list of goals that we have out front in the hallway which we put together about a half year ago or so and we've been working hard on quite a few of them so starting next week we're going to start checking some off, progress we've made so we can see the items remaining so we can regroup and focus on the other important issues that we haven't yet tackled. Some of them are significant, such as the Rec. Center that a lot of us hope to start the planning. But we did take care of some big things like recycling and other big issues so that's really good.

And I want to remind everybody, again, that we're going to have the meeting at 7:30 a week from today the 25th of September and also we have the e-mail account set up so if you cannot make the meeting you can still participate and you don't have to participate that day. The e-mail account will be open so you can at home see what we're up to, all the plans and ideas etc. and where we go from there and respond any time during that week. And again it's comments, c o m m e n t s, at ci.euclid.oh.us. And the whole purpose of the meeting is to see if we have consensus in the City of Euclid, do we want to protect the form of government we have now? That's really the first issue. The Federal Government has come in and said we should have a government

more like the City of Cleveland's, all wards. The voters here in the City of Euclid 50 years ago and again reaffirmed it about 10 some years ago decided to have a hybrid form, which many other suburbs have, meaning we have 4 wards, 4 at-large and 1 council president so that every resident in the City of Euclid regardless of where you live can vote for 6 council members. Your ward person, your 4 at-large and your council president, you have 6 people to vote for and we have no primaries. Anyone who gets a hundred some signatures gets right on the ballot in November. It's a very liberal form of government. That, you know, if there's 5 candidates, 4 candidates, they're all on the ballot in November, which gives a lot of people a chance and the slots also has resulted in more people running than before when we had no slots. So versus in Cleveland you vote for one council person and if you, that one person isn't the one that you wanted, you basically have very few others to go to because they have their own little area to represent.

In this case if for some reason you don't like the council person in your ward, you still have 5 others to go to that are specifically there to represent you regardless of where you live. So that's really the main issue. Do we want to protect the government that the voters have set up many years ago and have reaffirmed over the many years? If we want to protect that form of government, we have presented a plan that I believe will most likely resolve most of the issues. Again this was not just some scheme I came up with, it was worked on with our legal representative to find out exactly what they think the Department of Justice wants from the City of Euclid. This in addition to making sure that the populations are equaled in the various wards also make sure that the demographics are spread out better in terms of the racial minority makeup in the City of Euclid, which means there's greater chance for minorities to elect candidates or influence the election of candidates that they support, which is what the Federal Government says they want us to do in our form of government.

So those #1 is protect our government and #2 the plan itself is fairly simple plan, 87% of the people are not affected by it. Only 13% would be shifted to a different ward but at the same time all would continue to vote for 6 candidates and most importantly we would proceed with our 2007 elections as planned with plenty of notice so that everyone has ample opportunity to mount a campaign.

The Federal Government has come in so far and implied that if we don't do something now, they want to get an injunction to cancel our election next year if you can believe it. That's been part of their filing, which I can show any one who's interested, to actually cancel the election so I guess you'd be stuck with us indefinitely. So if you want to get rid of us, you probably want us to move quicker than later. So it's an important time we have and we're going to have some good discussion on it.

Councilman Conway – I'll make one more comment as well regarding the Heritage Park Association meeting scheduled for September 26. As I stated earlier in the evening, I planned on attending that meeting to discuss the parking ban ordinance that was discussed earlier this evening so I, too, will be there for the entirety if that makes the Chief comfortable that we may be able to come to a compromise. I'd be happy to be there with the Mayor if he needs to stay there the whole time that's fine. I figure if we're both there at the same place everybody should feel comfortable that somebody's responsible at that meeting. So we'll be there, I think it'll be covered and we'll make the commitment that going forward in the future we'll try to eliminate any conflicts. So if you and the Council President still talk tomorrow, that offer is out there as well.

I have a question for Director Will. We've talked a lot over the past about the different areas of the City that need some type of resurfacing. I was curious. I was at the, my son's soccer game this weekend so I was parked in the parking lot outside of the ice arena. Is there actually a plan in place or has there been anything done to address resurfacing the City's own parking lot?

Director Will – That's a great question. Lots of people have been asking that especially recently. In the past I have worked with Director Gulich to see if there was funds in the, into his account and also some monies from the Recreation Capital Fund so that we could do something about that. Since that time Memorial School has opened and we had contacted the Business Manager at the school and asked for them to, if they were willing to make some type of financial investment in that also. As of right now, everybody was agreeing upon that to put some money into it. I'll turn it over to Director Gulich. I'm not sure if anything else has happened in the past few weeks as far as when that would be happening.

Director Gulich – Obviously nothing is in place for this construction season. Nothing was set aside in the existing Capital Budget. I have recently reviewed with our Engineering Department the cost relative to that lot and the drive going out to Babbitt Road. That is one big parking lot.

If we were doing it with our existing asphalt prices that we have this year, we're talking about \$150,000 to do it properly. I've discussed with the Mayor so less expensive tactics we could take. I don't think that would be the best route to take. If we're going to fix it, I'd like to see us fix it right and have it good for the long-term so I don't know if the Mayor has talked to Dr. Jones any further since our earliest conversation.

Mayor Cervenik – No, I haven't. We can do that, Mr. Chairman, members of Council. But if a budget amendment was done, if we had the approval to spend money that I'm not sure we should do this year, but if we're going to do it next year, we could consider that. The Finance Director had to leave. I will discuss with him tomorrow, but if you're amiable to a budget amendment, then obviously we could get it done. Our contingency, which pretty much used up with some emergency sewer work, we've had a number of sewer problems this year that needed to be taken care of so there's not much left. There was some \$120,000 allocated for the Shore kitchen, if that in fact happened this year. If that's not going to happen this year and it don't appear it does that might be a source of funding. So if you're telling me tonight you want us to get that parking lot taken before the asphalt plants close we can probably do that and we can lay out a plan before the end of this week.

Councilman Conway – I think at this point we'd probably be comfortable if we could at least scope out the price involved in this so we can make a decision going forward. I think probably everybody here agrees that something needs to be done with that parking lot because it is pretty poor shape as we all know, but at least as we start preparing either for the remainder of this year or looking into the budget for next year if we can get those numbers so we can make a decision going forward that would certainly be appreciated.

The Euclid Citizens Committee has been working very hard in compiling some of the data that they have received or in the various surveys that have been completed during the summer. They are eager to present their findings that they have tabulated at this point so I don't think we have another Executive Committee scheduled at this point, but I just would like to let the Council President know that the Citizens Committee is prepared to make presentations to Council if that could be fit in, I know not the committee meeting on the 25th but the next one that's scheduled after that.

President Gudenas – Yes, we're actually trying to schedule one for the Cable TV concerns. It might be as early as Thursday the 28th but we're waiting to hear back from the Cable TV Commission members if they're ready.

Councilman Conway – Okay, thank you, and finally I also wanted to thank the Gateway Retirement Center for the Pancake Breakfast that they put on this weekend. I had the opportunity to attend and it was a wonderful event and very appreciative to all the agencies that that fundraiser went to support. Thank you.

President Gudenas – Thank you, I should add that we won't know about that until after the 20th, a week from today, because Architectural Review is having a special meeting on issues with the shopping center at Shore Center and if it's not resolved, they'll be meeting here Thursday so we're going to wait until after Monday to see if it's okay to meet here Thursday.

Councilman Delaney – It's very exciting news about the e-mail messaging that can be happening during a live meeting. If it isn't already, you mentioned that the comments e-mail basket is open, could we also link it up to the City's website so people would just be able to click on it and go right to it rather than type it in?

President Gudenas – I will, whoever's in charge the request has been made to also make sure it's on the website. Make sure people know name, address, phone number so we can verify that it's really you sending it.

Councilman Delaney – And every time Director Gulich brings up the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement program, I'd like to get, again, our schedule on East 222 Street.

Director Gulich – Thank you, Councilman Delaney, I was going to bring that up but I was kind of winded after my presentation there. Thank you for bringing that up, we're currently in the bidding process. We're going to open up the bids for that project on October 2nd and we've divided it up into phases and we still intend at this time getting into that project in this

construction season. Obviously, the bulk of the work, the finish work would be done in the 2007 construction season. But we do have the Issue 2 0% loan, the County grant money coming and the money that Director Pietravoia secured, State money as well and we do have to get moving with those projects because we do have those commitments with those identities.

Councilman Delaney – Thank you. The timing is very good. As I've mentioned in the past, that area of 222nd Street is lined with granite curbs and this would also coincide with some of the park improvements we're trying to do in Memorial Park. Masonry for a new pavilion, we want to do landscaping around the lagoon and right now that granite that was probably put in there when the roads were originally paved is about \$28 a foot so we could do right by reusing that and hopefully having an end use for it and not have to warehouse if we were able to bring it to that site.

Councilwoman Mancuso, I have not taken your test for the emergency evacuation because I think in the event of an emergency there'll be a helicopter landing to pick you up so me, personally, my evacuation plan will be to find that helicopter because I'm sure you're going to have a safe way out.

As far as the crux with the Georgetown, problem with the resurfacing of the road, I would like to make the suggestion and I will personally call State Representative Kenny Yuko. He, obviously, coming from Richmond Heights would be the ideal person to go to get more action on resurfacing that road and maybe even perhaps funding in this unique situation. That's about all I have thank you very much.

Councilman Gruber – I believe one of my goals on the list was to pave Georgetown Road. I think that was brought up in the beginning. I know that I've dealt with Director Gulich for a long time and I'm happy to see that the homeowners association up there, Tom, the president, has gotten on board and we have many, many signatures on the petitions. And I see that we've found some money pretty quick to pave the parking lot at Memorial School so maybe we can use some of that money on Georgetown. I'd appreciate that very much and I want to thank the residents up in Georgetown for being so patient.

Also I'd like to make a comment about earlier Assistant Director Beno I have to say you've been more than gracious in returning my calls and answering my e-mails in a timely fashion not maybe as quickly as I'd like immediately is usually good but I do have to give you credit and I can appreciate the work that you've done and I think you're doing very well over there and I enjoy working with you very much so thank you for what you've done.

Also, I'd like to thank Councilwoman Mancuso and the Health Care Committee for doing our homework for us. I think you did an excellent job over the summer. I know it took a lot of time away from your family and the rest of the members. It really was a step forward and a great improvement and a real team effort and I was very impressed with the work that you had all done so I appreciate the effort on that.

Also the TV Commission, we got a report over the summer that we're going to review from the TV Commission and they did an excellent job as well. I won't take all the thunder away but what a great, great study that they did of our facility and the time they took and the effort was, was a superb report. I was very impressed with that.

Let's see, I thanked everybody, pave Georgetown Road, I would gladly lock up the mini station any night of the week except Tuesday because I'll be at the East Beverly Hills Neighborhood Association on that night, but if you need some help over there let me know. So and I know it's in good hands with the Mayor and Councilman Conway. And Mayor Cervenik don't forget you have a homeowners meeting up at Euclid Villas. Thank you.

Councilwoman Holzheimer Gail – I, too, wanted to just briefly comment and remind folks that the podium here is an important piece of our government; but we need to be responsible about it. It's not a place for personal attacks whether it be to residents, Council members or members of the Administration or staff. I found Mr. Beno helpful. I think we're all used to with e-mail and instant messaging immediate response but many of the issues Mr. Beno works with and handles takes some research and there's very important legal issues attached to every decision for every piece of information he gives us. So I have found Mr. Beno to be very professional and very helpful and he has always been, I think almost every time I call I get through to him or he gets back to me very quickly so I did, you know, I'm sorry for the comments that you had to hear tonight.

I also wanted to thank Gateway. We were able to, two of my children and myself attend the Pancake Breakfast and ride on the Euclid Beach rocket car which was pretty exciting both to myself and my children so we enjoyed that and glad to see that the proceeds go to the Euclid Hunger Center and Alzheimer's Association.

Director Gulich, I know I've asked you this lots of times and I know I've told residents lots of time, but I get this question very often. The light at 200th and Lake Shore Boulevard when you're coming north from 200 Street turning left or if you're going south and wanting to go straight, well, go straight either way, waiting at that light is very long and I know you've told me the answer but would you remind the public, again, why that light takes so long and I guess once more is there anything we can do to make that timing a little easier?

Director Gulich – Couple things enter into that, obviously, it's part of an overall system and the lights are all tied in to the rest of Lake Shore Boulevard. Of course when we do the rest of the signalization, it'll be tied into the lights on 200. We're hoping for some change to be programmed in at that time. But another thing that enters into it, of course, we have to allow people enough time to cross on Lake Shore Boulevard there. We do get a lot of complaints also that people don't get enough time to cross the street. Of course the answer to that is to make the wait even longer. I don't think people want to hear that that's the answer and, of course, on Lake Shore Boulevard we've even got an additional lane on the south side over there. So we're asking people and then of course, that's a heavily crossed area over there so we do hear it from lots of people. So it really is a balancing act, but Mr. Carlo's very good about revisiting these because these things do get out of tune and they do need to be revisited with the traffic control loop so I'll be glad to make sure that he does that this week. But again, it's a complicated system and there are reasons for that wait and we, anyone that does call we do try to make Mr. Carlo to explain in detail to anyone's satisfaction that doesn't know the different things that play in to it. Thanks.

Councilwoman Holzheimer Gail – Thank you, I appreciate that. And thank you Councilman Conway for bringing up Memorial parking lot. I just last week and early this week talked to both Director Gulich and Director Will about the same issue so hopefully we will come to some resolution and the Mayor on that.

And I just wanted to take the last couple seconds to announce there's several neighborhood association meetings over the next, this week and next week East 236 and 237, which combines both Ward 1 and Ward 3 is meeting tomorrow night, Tuesday, September 19th at Euclid Library at 7. On Wednesday, September 20th, the Monterey Street Association will be meeting at the Library at 7 and next week on Thursday, September 28th, the North Shore Property Owners Association, which is 190th, 191 and 192 north of Lake Shore will be meeting also at the Library at 7 so hopefully the residents from those streets will join us for those meetings. Thank you.

President Gudenas – Director Gulich, back to that traffic light, other residents have asked can the timing be different later at night, very early in the morning when there are no pedestrians for instance after 9 o'clock at night, can you then have a different timing?

Director Gulich – Good question and that question is asked a lot and actually we do have that entered into the program so there is a less of a waiting time at night.

President Gudenas – It's already in there?

Director Gulich – Yes.

President Gudenas – All right.

Director Gulich – And the question has also come up as to can we simply put these on flash? The honest answer to that is no, we cannot.

President Gudenas – All right.

Councilman Langman – Director Gulich, I've asked now a couple of times more than twice now for a list of where the calls came from during the storm what streets the second ward at least, how are you coming along with that?

Director Gulich – I have that list in my office. If all of Council wants it, I'll have it in their hands later this week. Matter of fact the Plain Dealer requested that list earlier today. I showed their, ask them to give that request in writing and I showed it to the Law Director so I'll certainly make sure that Council has it before they do.

Councilman Langman – That would be good, thank you. I would like to compliment Mr. Carlo from your staff who worked very hard with myself and the Principal at Upson to redo the traffic

patterns there. If we were to move some parking along and it made, makes for a much safer traffic flows as far as the kids go as far as picking up and dropping off students. I know the residents at the end of my street are happy that the area is not just clogged with cars any more. So Mr. Carlo should be congratulated.

And Director Will, now would be a, probably be a pretty good time to update the folks on how we're coming along on the Euclid Park landscaping improvements.

Director Will – We have been working with yourself and Councilwoman Holzheimer Gail and the residents over by the area of the Euclid Park Clubhouse and with some updates as far as what they were looking for in the park area behind the Euclid Park Clubhouse, behind the Senior Center, behind the Lakefront Community Center. We're currently get quotes on an irrigation system and I do have one of the quotes in waiting for another company to see if I can get a different rate for that.

The other items are the beach front behind the Euclid Park Clubhouse is embedded with tons of trees. There's actually trees growing through the rocks and also tons of thistle that are coming up through the hillside. We have a company that we did hire. He has not gotten out there as of today but plans on getting out there this week to start taking down a lot of the debris the trees etc. that are there and then to start spraying and hand pulling the thistle that's there. Our Parks and Rec. Maintenance employees will also be doing some items there.

The other item that we had gotten was a price for concrete walkway from the back of the Senior Center to like an overlook area for the beach area there. So I do have prices and I do plan on putting a, requesting a meeting together with the residents over there so I can show them all the quotes that we have.

Councilman Langman – Well, we look forward to that because you know time goes by quickly and before you know it you have to plan that all out as far as construction goes.

Director Will – Absolutely.

Councilman Langman – Once last thing, next Council meeting will be on October 2nd, I will not be here. I'm sure everyone will get along just fine without me for that October date but I wish all my Jewish friends a Happy New Year and with that, Mr. Chairman, I wish everybody a good night.

ADJOURNMENT

Councilman Langman moved to adjourn; seconded by Councilman Delaney. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council